

## **BUILDING AND ZONING COMMITTEE**

### **AGENDA**

**WEDNESDAY, FEBRUARY 1, 2012  
8:00 P.M.  
CURTIS HALL IN CURTIS ARBORETUM  
CHURCH ROAD AND GREENWOOD AVENUE**

**MORTON J. SIMON, JR. – CHAIRMAN  
HARVEY PORTNER – VICE CHAIRMAN  
KATHY A. HAMPTON - MEMBER  
CHARLES D. MC KEOWN – MEMBER  
J. ANDREW SHARKEY – MEMBER  
DANIEL NORRIS-MEMBER  
ART HAYWOOD- EX-OFFICIO MEMBER**

1. Review of the Zoning Hearing Board Agenda for February 13, 2012.  
See attached.
2. Review of the Planning Commission Meeting Minutes of January 23, 2012.  
See attached.
3. Review of Ad-Hoc Zoning Revision Committee Meeting Minutes of January 23, 2012.  
See attached.
4. Review of Recent Decision(s) of the Zoning Hearing Board.
5. Report of the Building Inspector for January 2012. See attached.
6. Old Business
7. New Business
8. Citizens' Forum
9. Adjournment



David G. Kraynik  
Township Manager

**ZONING HEARING BOARD**

**AGENDA**

**FOR**

**FEBRUARY 13, 2012**

## NOTICE

**NOTICE IS HEREBY GIVEN** that an application for Zoning Relief for 7803 Montgomery Avenue, Elkins Park, PA 19027 will be reviewed by the following Township Bodies which will offer recommendations to the Zoning Hearing Board:

- a. **Cheltenham Township Planning Commission on Monday, January 23, 2012 at 7:30 PM at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095.**
- b. **Cheltenham Township Building and Zoning Committee on Wednesday, February 1, 2012 at 8:00 P.M. at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095.**

**This application will be heard by the Zoning Hearing Board on Monday, February 13, 2012 at 7:30 P.M. at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095.**

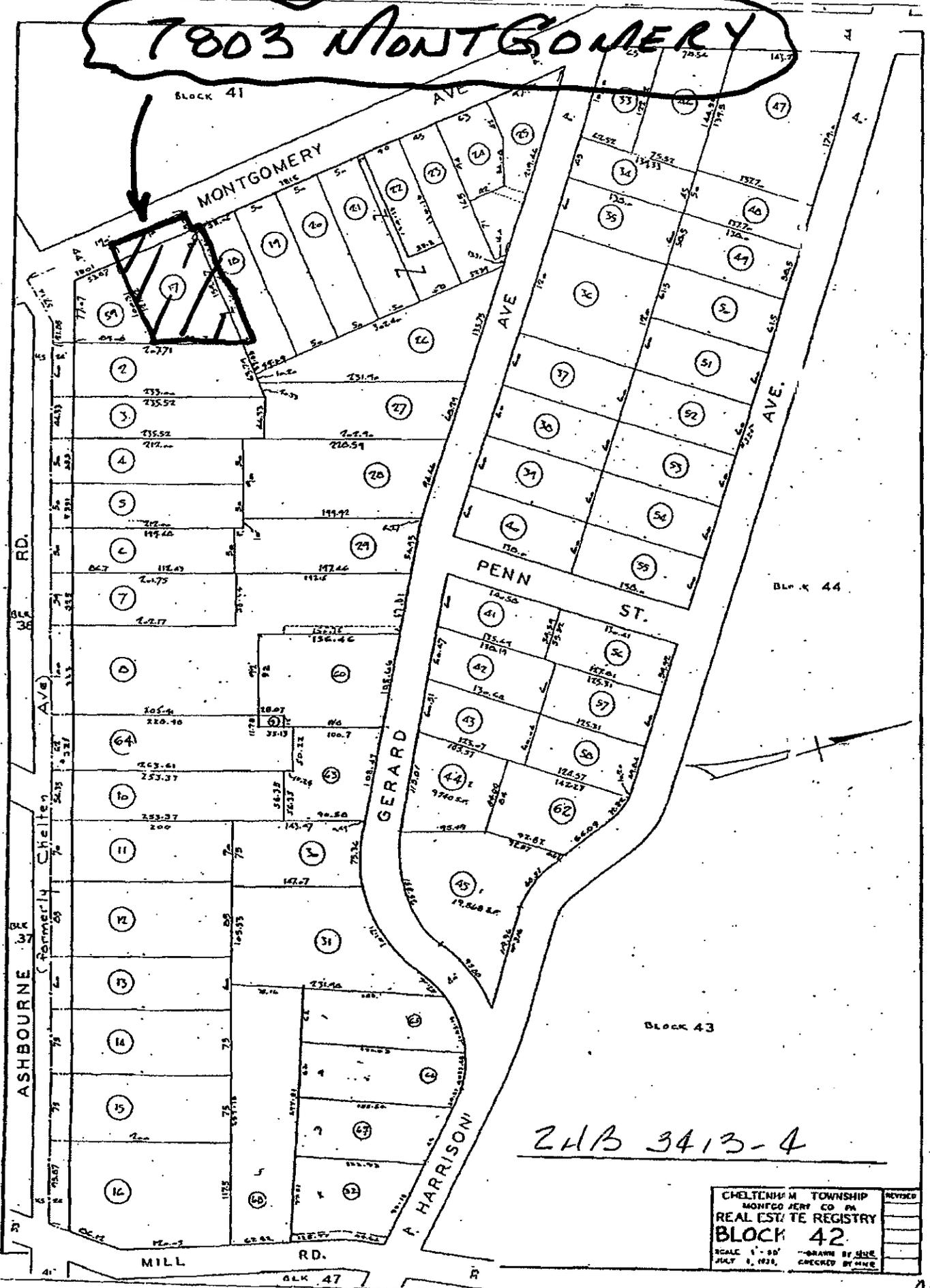
**APPEAL NO. 3413:** (Continued) Appeal of Montgomery Court Realty Co., L.P., owner of premises known as 7803 Montgomery Avenue, Elkins Park, PA 19027, from the Decision of the Zoning Officer in order to operate a Private Ambulance Service from the premises

- a. A Determination that the storage of Private Ambulance on the premises overnight is not a function of the operation of a Private Ambulance Service and thus permitted as a legal nonconforming use of the premises per the grant of relief under ZHB Appeal No. 1563.
- b. In the alternative to a, above, a Determination, pursuant to "Nonconforming Uses" as outlined in CCS 295-227.F., that the operation of a Private Ambulance Service is of the same class of use as the previously approved nonconforming use(s) and thus permissible.
- c. In the alternative to a. and b., above, a Variance from the Rules and Regulations of the Class R-5 Residence District as outlined in CCS 295-43. for the operation of a Private Ambulance Service instead of one of the enumerated permitted uses.

**The above application, including site plans, is on file in the Township Administration Building, Building and Zoning Department, Room 204, 8230 Old York Road, Elkins Park, PA, 19027 and are open for review, Monday thru Friday, 8:00 AM to 4:30 PM.**

**Any person or persons with a disability requiring a special accommodation to participate in the meeting should notify Nancy K. Gibson at 215-887-1000 at least 5 work days prior to the meeting.**

7803 MONTGOMERY



Block 44

Block 43

ZHB 3413-4

CHELTON TOWNSHIP	REVISION
MONTGOMERY CO PA	
REAL ESTATE REGISTRY	
<b>BLOCK 42</b>	
SCALE 1" = 50'	DRAWN BY G.M.
JULY 1, 1928	CHECKED BY H.M.

**NOTICE**

**NOTICE IS HEREBY GIVEN that an application for Zoning Relief for 51-57 S. Keswick Avenue, Glenside, PA 19038 will be reviewed by the following Township Bodies which will offer recommendations to the Zoning Hearing Board:**

- a. **Cheltenham Township Planning Commission on Monday, January 23, 2012 at 7:30 PM at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095.**
- a. **Cheltenham Township Building and Zoning Committee on Wednesday, February 1, 2012 at 8:00 P.M. at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095.**

**This application will be heard by the Zoning Hearing Board on Monday, February 13, 2012 at 7:30 P.M. at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095.**

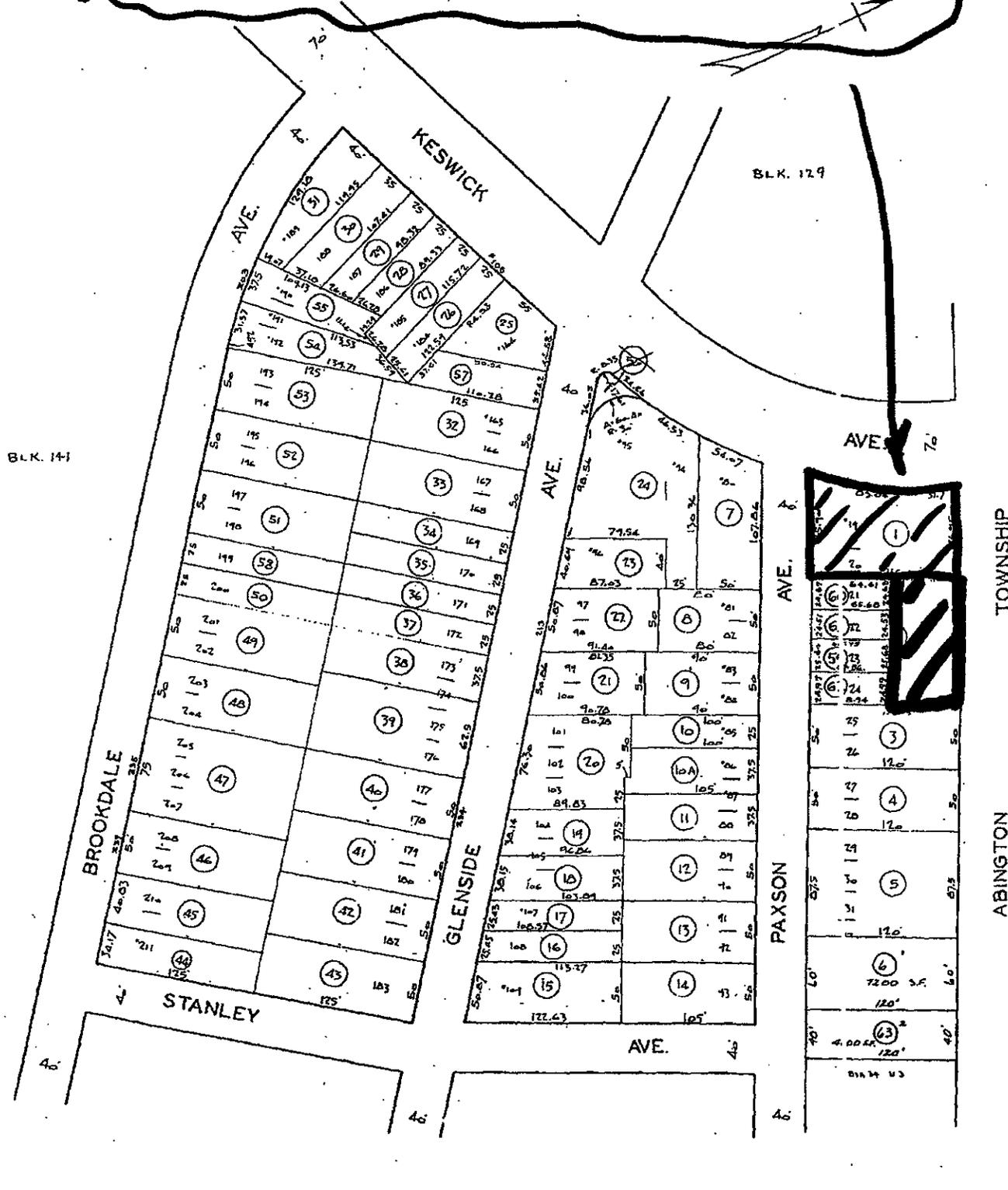
**APPEAL NO. 3426:** Appeal of Jason Silverman, owner of Premises known as 51-57 S. Keswick Avenue, Glenside, PA from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 4500 SF, 1 storey building ( to replace a building damaged by fire in May 2007 and demolished in December 2007); the building is to be used for a Ceramics Studio (2700 SF) and a retail space (1800 SF). Said Premises being within the Class C-4 Commercial and Business District, in part, and with the Class R-7 Residence District, in part:

- a. A Variance from the Rules and Regulations of the Class C-4 Commercial and Business District as outlined in CCS 295-127. for the manufacture of pottery instead of one of the enumerated permitted uses.
- b. In the alternative to a., above, a Special Exception in accordance with Rules and Regulations of the Class C-4 Commercial and Business District as outlined in CCS 295-127.L. for the proposed Ceramics Studio.
- c. Variances from the Rules and Regulations of the Class C-4 Commercial and Business District as outlined in Article XVIII of the Cheltenham Code for the proposed retailing building as follows:
  - i. From CCS 295-129.A. for a lesser front yard setback of zero feet (0') from the SEPTA R/W line instead of the minimum required 15'.
  - ii. From CCS 295-132. for vehicular parking within the 15' wide vehicular parking setback area in which no vehicular parking is permitted.
  - iii. From CCS 295-133. for a lesser buffer area of zero feet (0') instead of the minimum required 11' along the C-4/R-7 District boundary line.
- d. A Variance from the Rules and Regulations of "Parking and Loading" as outlined in CCS 295-221.D. for three (3) on-site parking spaces instead of the minimum required 11 parking spaces. (Applicant is concurrently asking for permission/waivers for the dedicated use of 8 angled parking spaces on the Keswick Avenue frontage of the premises and 3 parallel parking spaces on the Keswick Avenue frontage of the Premises from the Cheltenham Township Board of Commissioners; said parking spaces are wholly or partially within the public right of way. Parking for the recently demolished retail/office building was in the same location).

**The above application, including site plans, is on file in the Township Administration Building, Building and Zoning Department, Room 204, 8230 Old York Road, Elkins Park, PA, 19027 and are open for review, Monday thru Friday, 8:00 AM to 4:30 PM.**

**Any person or persons with a disability requiring a special accommodation to participate in the meeting should notify Nancy K. Gibson at 215-887-1000 at least 5 work days prior to the meeting.**

# 51-57 S. KESWICK AVE.



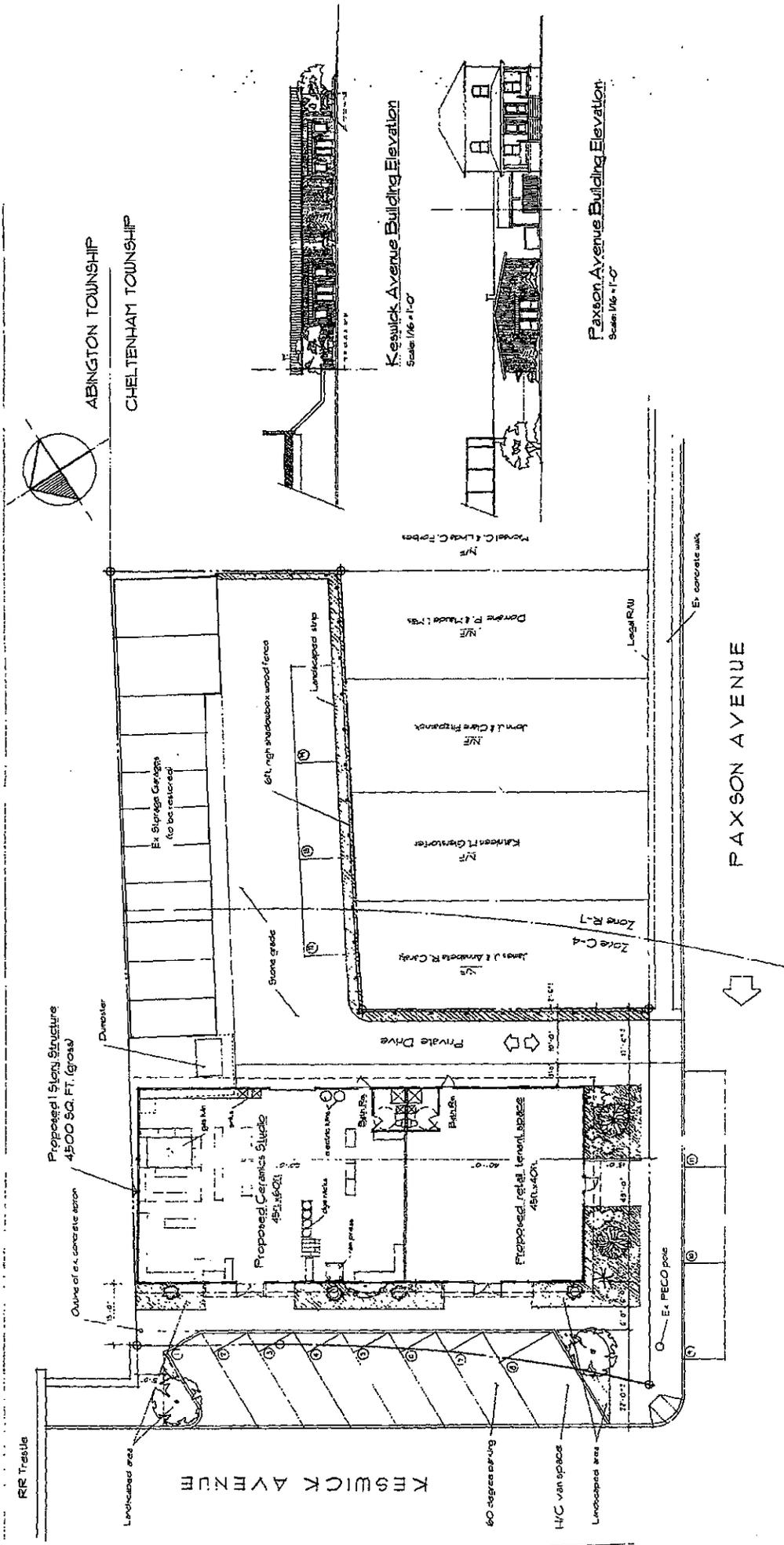
BLK. 141

BLK. 140

21B 342C-4

CHELTENHAM TOWNSHIP MONTGOMERY CO., PA.		REVISED
REAL ESTATE REGISTRY <b>BLOCK 139</b>		
SCALE: 1"=50'	DRAWN BY: J.C.K.	
JUNE 2 - 1928	CHECKED BY: J.C.K.	

# SEPTA RAILS



**Kessick Avenue Building Elevation**  
Scale: 1/8" = 1'-0"

**Paxson Avenue Building Elevation**  
Scale: 1/8" = 1'-0"

**Proposed Building/Site Plan**  
Scale: 1" = 10'-0"

Prepared by: J.P. & K. Regan, LLC	REGAN	REGAN, GUNZ, GROSS, LLC	SK-1
Checked by: J.A. Grotzke	KLINE	Project: Paxson Ave	9/7/11
For: Jason Silverman Ceramics	GROSS	Project: Paxson Ave	

213 3426-37



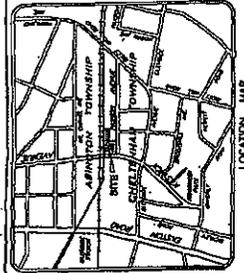
NO.	DATE	DESCRIPTION
1	11-11-2024	RECORD
2	11-11-2024	RECORD
3	11-11-2024	RECORD
4	11-11-2024	RECORD
5	11-11-2024	RECORD
6	11-11-2024	RECORD
7	11-11-2024	RECORD
8	11-11-2024	RECORD
9	11-11-2024	RECORD
10	11-11-2024	RECORD

**RECORD OWNER**  
 LEADER INVESTMENT GROUP, LLC  
 1007 EIGHTH HILL ROAD, ASHLEIGH, PA 19001  
 PH: 610-338-7222 FAX: 610-338-7223

**CHARLES B. SHOEMAKER, INC.**  
 1007 EIGHTH HILL ROAD, ASHLEIGH, PA 19001  
 PH: 610-338-7222 FAX: 610-338-7223

**BOUNDARY SURVEY PLAN**  
 MIDDLE RD  
 LEADER INVESTMENT GROUP, LLC  
 KESWICK AVE & PAXSON AVE  
 CHELLENHAM TOWNSHIP  
 MONTGOMERY COUNTY, PA

RECORDED IN BOOK  
 25706  
 PAGE 1 OF 1



LOCATION MAP  
 SCALE: 1" = 200'

**LEGEND**

--- PROPERTY LINE  
 --- EASEMENT  
 --- EASEMENT (PENDING)

**V.C. - COMMERCIAL AND BUSINESS DISTRICT**

USE	MINIMUM LOT AREA	MINIMUM FRONT SETBACK	MINIMUM SIDE SETBACK	MINIMUM REAR SETBACK	MINIMUM FRONT YARD WIDTH	MINIMUM FRONT YARD DEPTH	MINIMUM FRONT YARD OPEN SPACE	MINIMUM FRONT YARD TREE
OFFICE	15,000 sq. ft.	15 ft.	10 ft.	10 ft.	15 ft.	15 ft.	15 ft.	15 ft.
RETAIL STORE	15,000 sq. ft.	15 ft.	10 ft.	10 ft.	15 ft.	15 ft.	15 ft.	15 ft.
RESTAURANT	15,000 sq. ft.	15 ft.	10 ft.	10 ft.	15 ft.	15 ft.	15 ft.	15 ft.
BAR	15,000 sq. ft.	15 ft.	10 ft.	10 ft.	15 ft.	15 ft.	15 ft.	15 ft.
AMUSEMENT	15,000 sq. ft.	15 ft.	10 ft.	10 ft.	15 ft.	15 ft.	15 ft.	15 ft.
OFFICE BUILDING	15,000 sq. ft.	15 ft.	10 ft.	10 ft.	15 ft.	15 ft.	15 ft.	15 ft.
RETAIL STORE	15,000 sq. ft.	15 ft.	10 ft.	10 ft.	15 ft.	15 ft.	15 ft.	15 ft.
RESTAURANT	15,000 sq. ft.	15 ft.	10 ft.	10 ft.	15 ft.	15 ft.	15 ft.	15 ft.
BAR	15,000 sq. ft.	15 ft.	10 ft.	10 ft.	15 ft.	15 ft.	15 ft.	15 ft.
AMUSEMENT	15,000 sq. ft.	15 ft.	10 ft.	10 ft.	15 ft.	15 ft.	15 ft.	15 ft.

**R.T. - RESIDENTIAL DISTRICT**

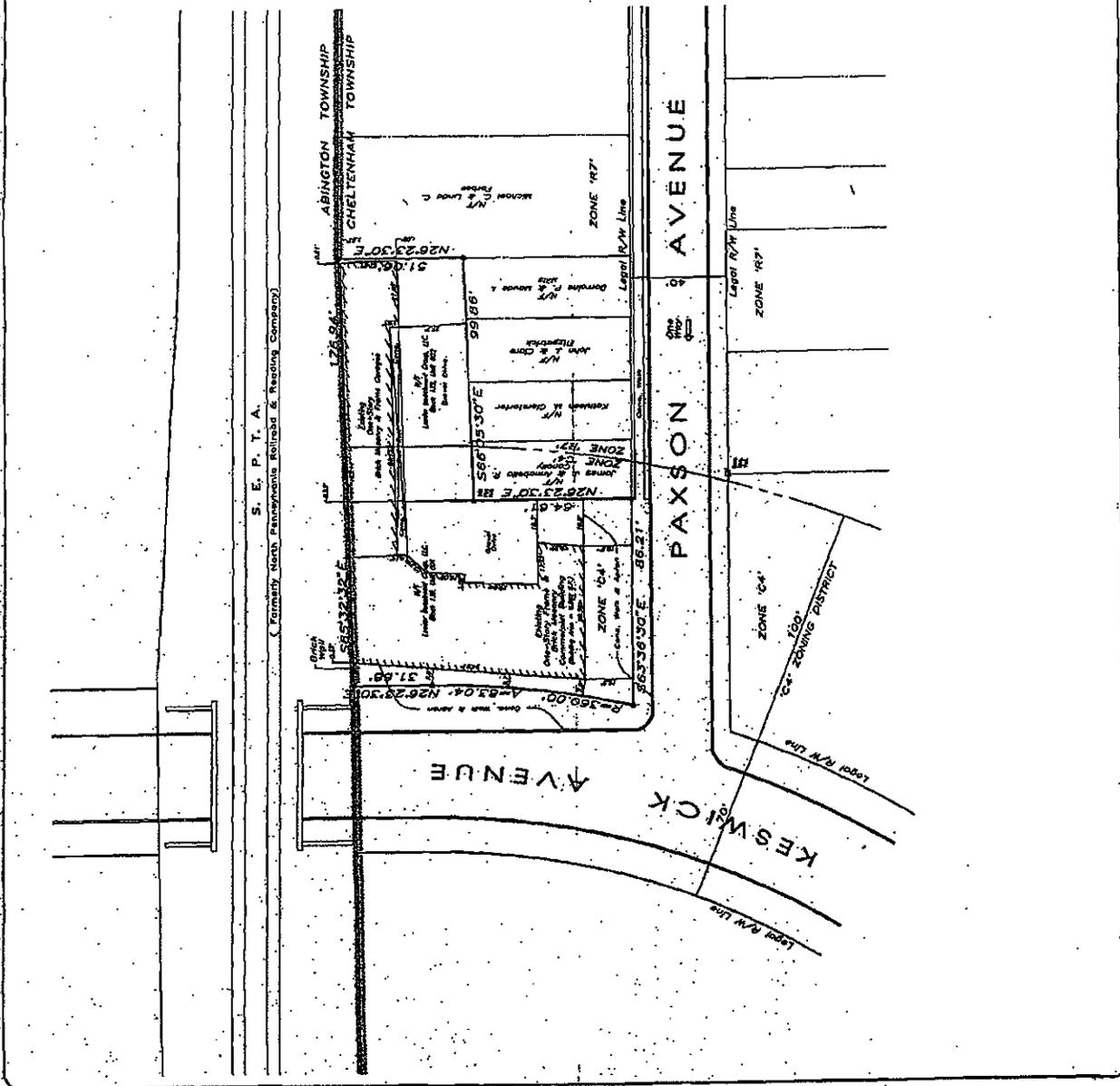
USE	MINIMUM LOT AREA	MINIMUM FRONT SETBACK	MINIMUM SIDE SETBACK	MINIMUM REAR SETBACK	MINIMUM FRONT YARD WIDTH	MINIMUM FRONT YARD DEPTH	MINIMUM FRONT YARD OPEN SPACE	MINIMUM FRONT YARD TREE
RESIDENTIAL	15,000 sq. ft.	15 ft.	10 ft.	10 ft.	15 ft.	15 ft.	15 ft.	15 ft.
RESIDENTIAL	15,000 sq. ft.	15 ft.	10 ft.	10 ft.	15 ft.	15 ft.	15 ft.	15 ft.
RESIDENTIAL	15,000 sq. ft.	15 ft.	10 ft.	10 ft.	15 ft.	15 ft.	15 ft.	15 ft.
RESIDENTIAL	15,000 sq. ft.	15 ft.	10 ft.	10 ft.	15 ft.	15 ft.	15 ft.	15 ft.

**NOTES:**  
 1. All dimensions are in feet and inches.  
 2. All bearings are in degrees, minutes and seconds.  
 3. All distances are in feet and inches.  
 4. All areas are in square feet.  
 5. All lines are in feet and inches.  
 6. All corners are marked with iron pins.  
 7. All monuments are marked with iron pins.  
 8. All monuments are marked with iron pins.  
 9. All monuments are marked with iron pins.  
 10. All monuments are marked with iron pins.

**SITE AREA**  
 AREA TO THE TITLE LINE  
 (BLOCK 139, UNIT 091)  
 0.132 S.F. OR 0.2090 AC.  
 (BLOCK 139, UNIT 091)  
 0.132 S.F. OR 0.1191 AC.  
 TOTAL COULDED AREA  
 14,274 S.F. OR 0.3277 AC.

ZAB 3284-7.3

ZAB 3426-7.2



## NOTICE

NOTICE IS HEREBY GIVEN that an application for Zoning Relief for 7909 Park Avenue, Elkins Park, PA 19027 will be reviewed by the following Township Bodies which will offer recommendations to the Zoning Hearing Board:

- a. Cheltenham Township Planning Commission on Monday, January 23, 2012 at 7:30 PM at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095.
- b. Cheltenham Township Building and Zoning Committee on Wednesday, February 1, 2012 at 8:00 P.M. at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095.

This application will be heard by the Zoning Hearing Board on Monday, February 13, 2012 at 7:30 P.M. at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095.

APPEAL NO. 3429: Appeal of Miriam Szewczyk, owner of premises known as 7909 Park Avenue, Elkins Park, PA 19027, from the Decision of the Zoning Officer in order to operate a restaurant tea room by renovating an interior basement for kitchen use and the first floor for dining use. The following Zoning Relief is required:

- a. Variances from the Rules and Regulations of the Class R3 Commercial and Business District as outlined in Article XVII of Chapter 295 of the Cheltenham Code as follows:
  - i. From CCS 295-124. to provide zero percent Green Area instead of the required 7% green area.
  - ii. From CCS 295-124. for providing no 15' wide landscape buffer area along the street frontage.
- b. Variance from the Rules and Regulations of "Parking and Loading" as outlined in CCS 295-221.H. for providing zero on-site parking spaces instead of the required four (4) parking spaces.

The above application, including site plans, is on file in the Township Administration Building, Building and Zoning Department, Room 204, 8230 Old York Road, Elkins Park, PA, 19027 and are open for review, Monday thru Friday, 8:00 AM to 4:30 PM.

Any person or persons with a disability requiring a special accommodation to participate in the meeting should notify Nancy K. Gibson at 215-887-1000 at least 5 work days prior to the meeting.



Block 179

Block 178

BLK 13

STARR RD

ROAD

ELKINS AVE.

AVE.

BLK 13

OLD YORK

AVE.

RAILROAD

SPRING

NORTH PENNSYLVANIA

MONTGOMERY

BLK 14

ELKINS

PARK

Block 176

AVE.

PARK AVE

HIGH SCHOOL

HARRISON AVE

BLK 41

7909  
PARK AVE

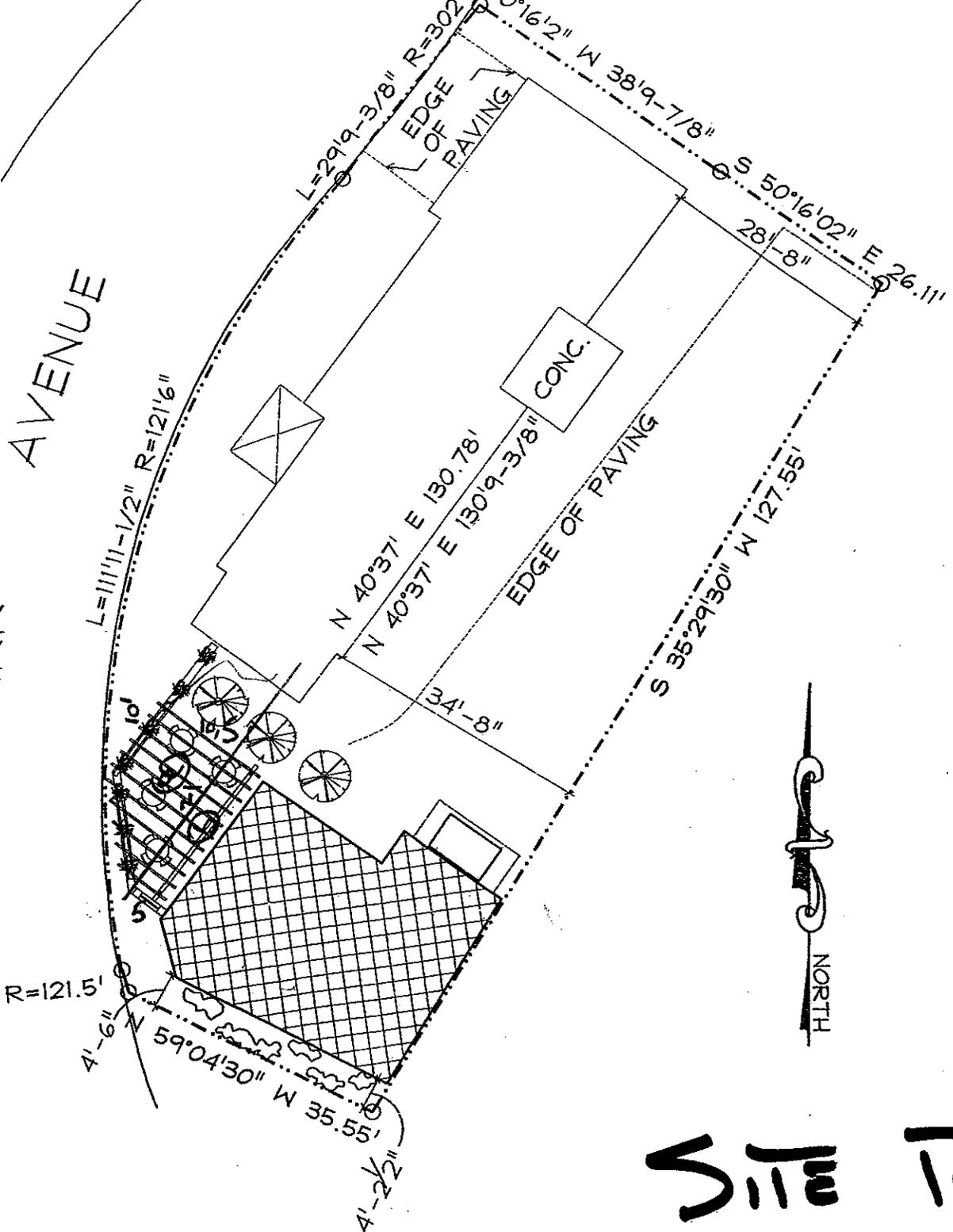
2-B 3429-4

CHELTENHAM TOWNSHIP  
MONTGOMERY CO PA.  
REAL ESTATE REGISTRY  
BLOCK 15

SCALE 1" = 80'  
JULY 1, 1939

DRAWN BY M.L.C.  
CHECKED BY H.A.C.

AVENUE



**SITE PLAN**  
**7909**  
**PARK AVENUE**

SITE PLAN  
 1"=20'

EXHIBIT 8

ATTACHMENT d.

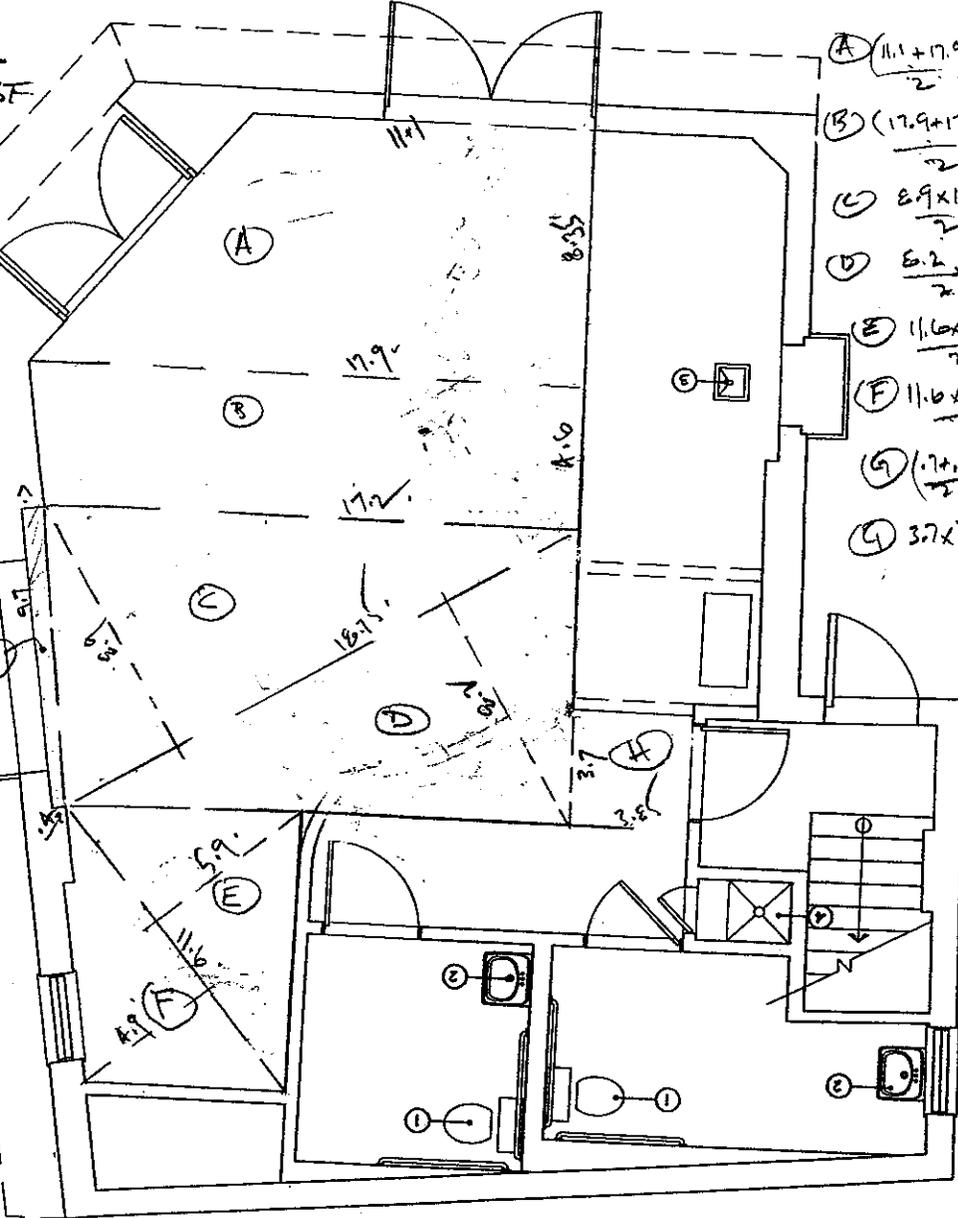
TOTAL GROSS  
PATRON AREA  
= 268  
+ 444

268 SF  
OUTSIDE  
SEATING AREA

712 SF

PARKING  
LET  
712 SF  
(400)  
312 SF

$\frac{12}{100} = \frac{312}{400}$   
4 PS  
REQ



- (A)  $\frac{(11.1 + 17.9)}{2} \times 8.35 = 121.1$
  - (B)  $\frac{(17.9 + 17.2)}{2} \times 4.6 = 80.7$
  - (C)  $\frac{8.9 \times 18.7}{2} = 83.4$
  - (D)  $\frac{6.2 \times 18.7}{2} = 76.9$
  - (E)  $\frac{11.6 \times 5.9}{2} = 34.2$
  - (F)  $\frac{11.6 \times 4.9}{2} = 28.4$
  - (G)  $\frac{(1.7 + 4)}{2} \times 9.7 = 5.3$
  - (H)  $3.7 \times 3.85 = 14.2$
- 444.2  
SF

KM 10.24.09

7909 PARK AVENUE

**NOTICE**

**NOTICE IS HEREBY GIVEN that an application for Zoning Relief for 1119 Stratford Avenue, Melrose Park, PA 19027 will be reviewed by the Cheltenham Township Building and Zoning Committee on Wednesday, February 1, 2012 at 8:00 P.M. at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095. Recommendations (if any) will be sent to the Zoning Hearing Board for its consideration.**

**This application will be heard by the Zoning Hearing Board on Monday, February 13, 2012 at 7:30 P.M. at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095.**

**APPEAL NO. 3430:** Appeal of Monica Varela, owner of Premises known as 1119 Stratford Avenue, Melrose Park, PA 19027, from the Decision of the Zoning Officer for the following Zoning Relief in order to add an 20.67' x 16.67' carport to the front southwest corner of the house:

- a. Variances from the Rules and Regulations of the Class R-4 Residence District as outlined in Article VII of Chapter 295 of the Cheltenham Code, as follows:
  - i. From CCS 295-38. for a greater building area of 23.9% instead of the maximum permitted 20%.
  - ii. From CCS 295-39.A (1) for a lesser front yard setback of 25' to the carport instead of the minimum required 40' ( the front yard setback to the main house is 20' ).
  - iii. From CCS 295-39.B(2) for a lesser side yard setback of 8' instead of the minimum required 20'.

**The above application, including site plans, is on file in the Township Administration Building, Building and Zoning Department, Room 204, 8230 Old York Road, Elkins Park, PA, 19027 and are open for review, Monday thru Friday, 8:00 AM to 4:30 PM.**

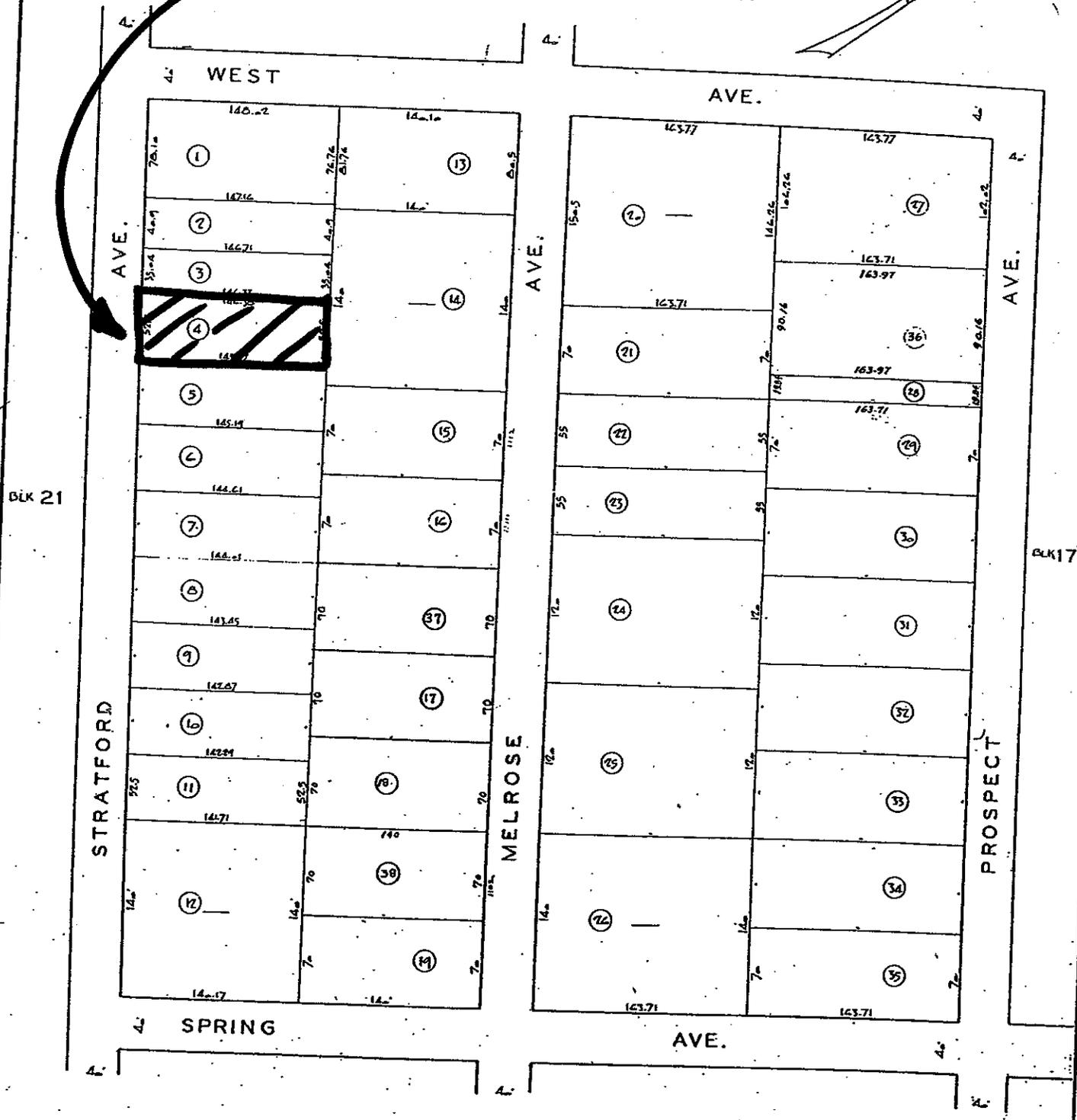
**Any person or persons with a disability requiring a special accommodation to participate in the meeting should notify Nancy K. Gibson at 215-887-1000 at least 5 work days prior to the meeting.**

*ZAB 3430-2*

# 1119 STRATFORD

Block 18

Block 17



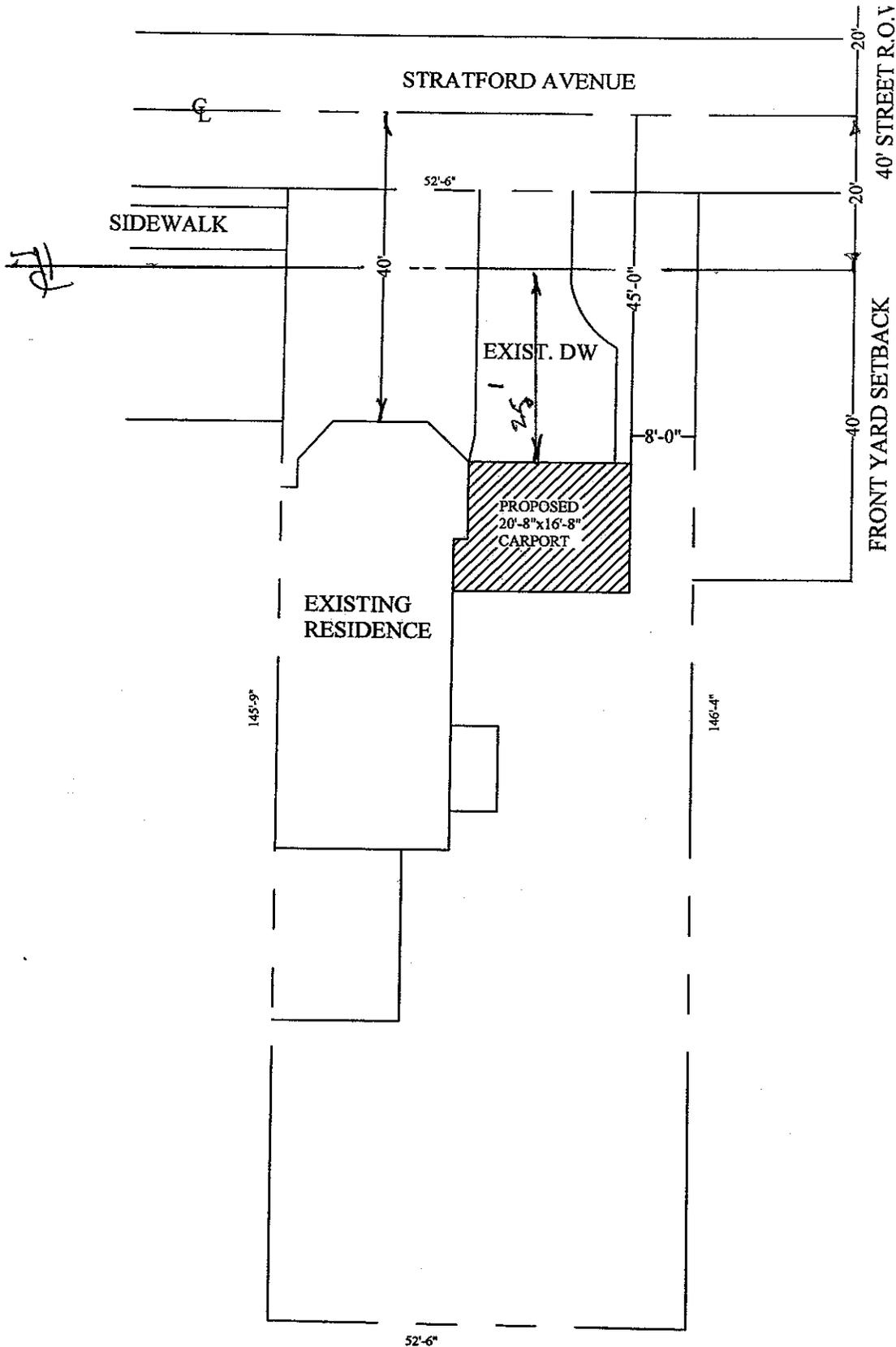
Blk 21

Blk 17

Block 23

CHELTENHAM TOWNSHIP		REVISED
MONTGOMERY CO. PA.		
REAL ESTATE REGISTRY		
<b>BLOCK 22</b>		
SCALE 1"=50'	DRAWN BY H.H.E.	
JULY 1, 1939.	CHECKED BY H.H.E.	

ZHB 3430-4



**PLOT PLAN**

SCALE: 1"=20'-0"

*ZHB 3430-7.1*

**Volpe Enterprises, Inc.**

3238 W. Germantown Pike  
 Norristown, PA 19403  
 610-539-6730

Customer:  
 Monica Varela  
 1119 Stratford Avenue  
 Melrose Park, PA 19027

2x8 RAFTERS @ 16" O.C.

1/2" SHEATHING GRADE PLYWOOD  
ICE & WATER SHIELD FELT  
CERTAINTED "LANDMARK" SHINGLES

5" K' STYLE ALUMINUM GUTTER  
2X3 ALUMINUM DOWNSPOUTS  
1X6 WOOD FASCIA BOARD W/ ALUM. CAPPING  
VINYL SOFFIT PANELS

1/2" SHEATHING GRADE PLYWOOD  
"TYVEK" HOUSEWRAP  
CEDAR SHAKE SIDING

16'-8"

GROUND LINE

## SIDE ELEVATION

SCALE: 1"=20'-0"

**Volpe Enterprises, Inc.**

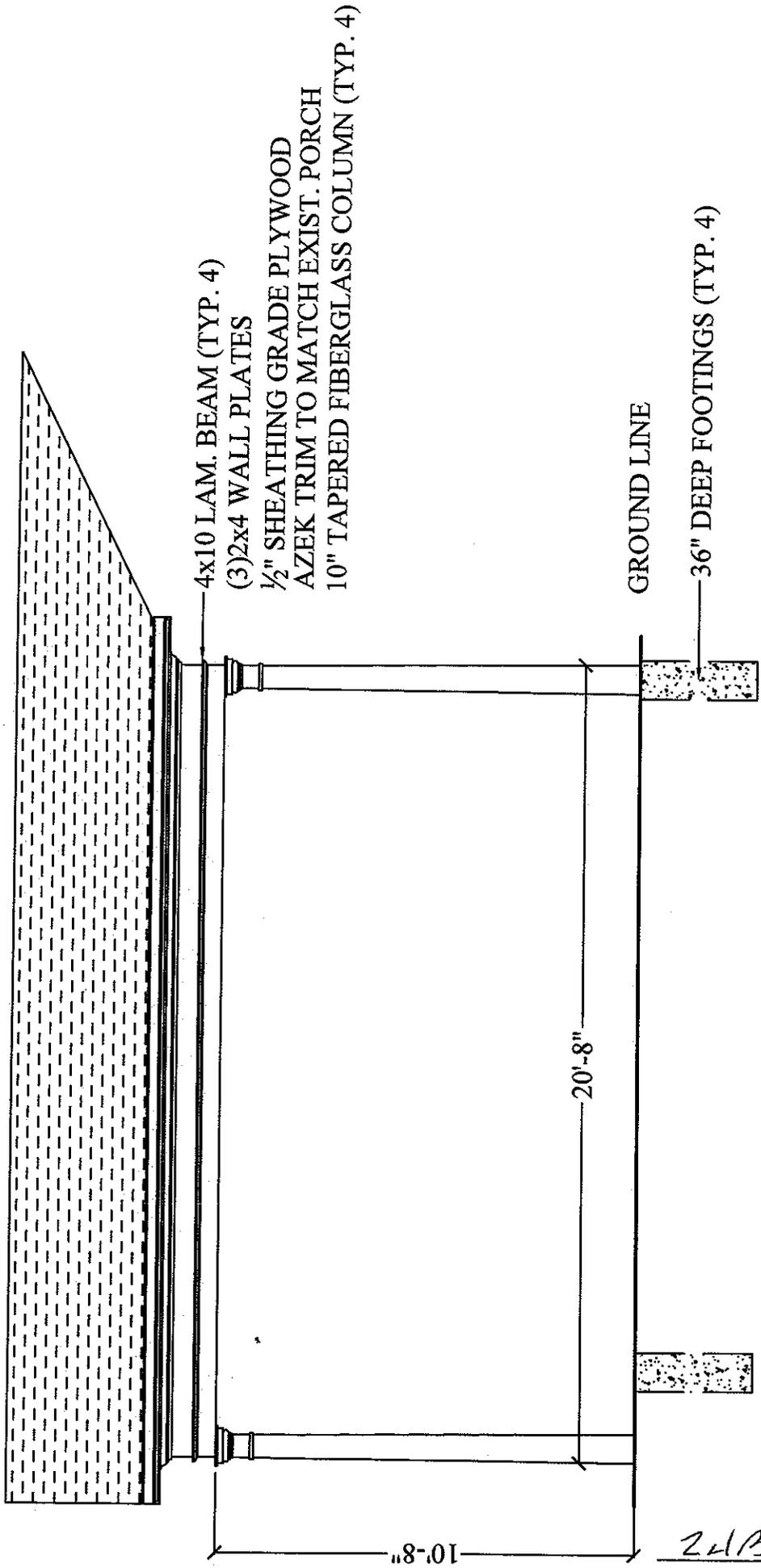
3238 W. Germantown Pike  
Norristown, PA 19403  
610-539-6730

Customer:

Monica Varela  
1119 Stratford Avenue  
Melrose Park, PA 19027

\*EXISTING RESIDENCE REMOVED  
FOR CLARITY.

ZHB 3430-7.2



**FRONT ELEVATION**

SCALE: 1"=20'-0"

**Volpe Enterprises, Inc.**

3238 W. Germantown Pike  
 Norristown, PA 19403  
 610-539-6730

Customer:

Monica Varela  
 1119 Stratford Avenue  
 Melrose Park, PA 19027

\*EXISTING RESIDENCE  
 REMOVED FOR CLARITY.

24B 3430-7.3

The Planning Commission ("PC") meeting was held tonight at Curtis Hall at Curtis Arboretum. The following Planning Commission members were present: Messrs. Cross, Gordon, Winneberger, and also present was ex-officio members Laughlin, and Harrower. Also present was David M. Lynch, P.E., P.L.S. Director of Engineering, Zoning & Inspections and Mr. Patrick J. Duffy, P.E., Township Engineer Designate. A quorum was not present.

**1. Re-Organization**

Due to the lack of a quorum, re-organization was tabled until the February 27, 2012 meeting.

**2. Acceptance of the minutes of the November 28, 2011 Meeting.**

Mr. Harrower noted there are a few changes to the ZHB Appeal 3426 as reflected in the previous meeting minutes.

Mr. Harrower stated that Mr. Cross had recused himself from consideration of ZHB Appeal 3426.

Mr. Cross made a Motion for acceptance of the November 28, 2011 Planning Commission Meeting Minutes as amended; Mr. Winneberger seconded the Motion; the Motion passed.

**3. Consideration of proposed "Age Restricted Overlay Ordinance"; see Attached.**

Mr. Cross stated that, as the PC had not been given sufficient notice and time to review the Proposed AROD Amendment and as only three (3) PC Members were present, consideration on the Proposed AROD Amendment should be tabled.

Mr. Winneberger made a Motion to Table consideration of the proposed AROD Amendment; Mr. Gordon seconded the Motion; the Motion passed.

( Note: The Township notified the PC by memorandum dated December 20, 2011, that the )  
( Board of Commissioner's would hold a Public Hearing on the Proposed AROD Amendment )  
( at it's February 15, 2012 meeting and stated that the Proposed Amendment would )  
( be listed on the Agenda for the January 23, 2012 PC Meeting; a copy of the Proposed )  
( Amendment was attached to the Memorandum. See Attachment A. )

**4. Review of Cheltenham Township Development Application No. 12-0510: Record Plan 7827 Old York Road Condominiums.**

Michael Yanoff, Esq. was present for the Applicant, Gerald Schatz.

Mr. Yanoff gave the following background information for this Record Plan:

- a. On July 23, 1975 the ZHB under ZHB Appeal No. 1735 granted Zoning Relief to use 7837 Old York Road for educational purposes subject to the following conditions:

1. No exterior changes shall be made to the existing buildings on the premises except that the Petitioner shall erect a fire escape on the garage on a side away from his neighbor's property on the southeast corner of Spring Avenue and York Road.

2. The grant of the special exception herein is made subject to the approval of a development plan on the tract by the Commissioners of Cheltenham Township.

3. No additional buildings will be built on the premises.

4. There shall be no inter-connection between the 17 car parking lot and the two car parking area in front of the private garage.

5. No more than two private cars may use the private right of way from Spring Avenue to the garage, and no more than two cars may park in front of this garage at one time.

6. No school buses shall be parked at any time in the 17 car parking area or in front of the garage.

7. Petitioner shall maintain a barrier of shrubs between the 17 car parking lot and the balance of the subject premises.

8. There shall be no student outside activities on the York Road side of the premises.

- b. On August 19, 1975 the Board of Commissioners approved a Record Plan entitled "Plan of Ashbourne School made for Gerald Schatz...", one sheet, dated May 13, 1975, revised thru August 15, 1975, which depicts 7827 Old York Road, 7837 Old York Road and 509 Ashbourne Road ( now 1509 Ashbourne Road) and contains as notations conditions 1 thru 4 of ZHB Appeal No. 1735; however, there is no notation on CTWP Plan U-139 stating which Property the notations apply to. See Attachment B.
- c. 7827 Old York Road, 7837 Old York Road and 1509 Ashbourne are now all separate properties.
- d. In August of 2008, 7827 Old York Road was transformed into a two (2) unit condominium with Unit 1 containing the main building fronting on Old York Road and Unit 2 being the vacant rear parcel with frontage on Ashbourne Road. See Attachment C.
- e. In 2009 the Township approved an Age Restricted Development on 1509 Ashbourne and the new apartment building is almost ready for occupancy.

Mr. Yanoff stated that the Applicant has been unable to obtain financing for developing Unit 2 of 7827 Old York Road as the title companies in their review of title documents are concluding that the notation "No additional buildings will be built on the premises." applies to 7827 Old York Road.

Mr. Yanoff stated the purpose of the proposed Land Development Plan is to create a new Record document that states the notations on CTWP Plan U-139 apply to 7837 Old York Road only.

After a period of discussion the PC concluded this was a reasonable request.

Mr. Winneberger made a Motion to recommend Approval of CTDA 12-0510; Mr. Cross seconded the Motion; the Motion passed.

**5. Review of Cheltenham Township Development Application No. 11-0580:  
Record Plan 835 E. Glenside Avenue- HVAC Units.**

Mr. Lynch stated that a roof top heating unit for the strip shopping center at 835 Glenside Avenue failed in December; an emergency HVAC permit was issued and the plan documents the installation per Township Requirements.

Mr. Winneberger made a Motion to recommend approval of CTDA 11-0580 subject to the standard HVAC notes; Mr. Gordon seconded the Motion; the Motion passed.

**6. Review of Cheltenham Township Development Application No. 12-0520:  
Texas Eastern Pipeline Relocation for Ashmead Road Bridge Replacement;  
Request for Waiver of Land Development.**

Mr. Lynch stated that this is a request for a Waiver of Land Development Requirements.

Mr. Lynch stated that this project is located at the Ashmead Road Bridge over Tookany Creek. The bridge is scheduled to be replaced. Mr. Lynch explained that there are three high pressure gas lines that have been attached to the underneath of the bridge. Mr. Lynch stated that the Williams Transco Pipe line has already been relocated and that Texas Eastern Pipeline is next.

Mike Long and Mike Sehl were present for Texas Eastern Pipeline. Mr. Long stated that there are still two 12" pipe lines on bridge.

Mr. Long stated that the Township approached Texas Eastern and asked to relocate lines off bridge before the bridge was rebuilt. Texas Eastern would prefer to permanently remove the lines off the bridge.

Mr. Lynch stated that there is a point of dispute between the Township and Texas Eastern. Mr Lynch stated that meeting notes indicates that high pressure gasline companies decided on their own to relocate their lines off the bridge; the new bridge can accommodate the high pressure lines.

Mr. Long stated that the trees listed for removal are noted on the plan. Mr. Long stated that Texas Eastern is compensating the Township for loss of trees and will reestablish plantings in the disturbed areas.

Wendy Blutstein resident at Hillcrest Road stated that she is not a tree expert but sees too many big old trees going down.

Mr. Cross asked Ms. Blutstein if she had an alternative. She asked if it was possible to design the project to keep from taking down as many trees. Mr. Cross stated that gas pipelines are unforgiving and they cannot dodge around trees.

Mr. Lynch stated that Texas Eastern initially approached JC Melrose to go through their property JC Melrose refused. This new route through Township parkland is a much longer route.

A resident asked that if the shortest distance is through the Country Club why not use eminent domain? Mr. Long stated that Texas Eastern is reluctant to use eminent domain unless there is no other choice. Mr. Long stated that Texas Eastern would prefer not to use it due to the length of time it takes to acquire eminent domain and due to public relation aspects.

Mr. Long stated that even if a different route had been taken some trees would still have to be removed. Mr. Long stated that the pipelines could not be left lying on the ground waiting for the bridge to be repaired. They have to be secured underground.

Mr. Laughin asked how the tree bank works. Mr. Lynch stated that the money is put into the tree bank not actual trees. The Township uses the money to purchase and plant new trees anywhere in the Township. Mr. Lynch stated that there is no definite procedure yet but the money is used only for trees.

Mr. Sehl stated that Texas Eastern is engaging a landscaper and that 100 trees will be replanted outside of ROW in addition to funding the tree escrow.

Mr. Cross asked if this can this be accomplished in the summer. Mr. Long stated that June, July, and August is the goal. Mr. Lynch said he would try to get Mr. Panzak to see the area next week. If he cannot get anyone out there in that time he would not put it on the Public Works Agenda.

Mr. Harrower asked what is the request of waiver for. Mr. Lynch explained they are requesting a waiver from the full land development procedure.

Mr. Lynch stated that the bridge is safe at this time but it does need to be replaced. Weight limits have been placed on bridge.

Mr. Winneberger made a Motion to recommend a Waiver of Land Development requirements subject to various Escrows and Agreements be setup and funded; Mr. Gordon seconded the Motion; the Motion passed.

#### **7. Review of Zoning Hearing Board Agenda for February 13, 2012.**

**APPEAL NO. 3413:** (Continued) Appeal of Montgomery Court Realty Co., L.P., owner of premises known as 7803 Montgomery Avenue, Elkins Park, PA 19027, from the Decision of the Zoning Officer in order to operate a Private Ambulance Service from the premises

- a. A Determination that the storage of Private Ambulance on the premises overnight is not a function of the operation of a Private Ambulance Service and thus permitted as a legal nonconforming use of the premises per the grant of relief under ZHB Appeal No. 1563.
- b. In the alternative to a, above, a Determination, pursuant to "Nonconforming Uses" as outlined in CCS 295-227.F., that the operation of a Private Ambulance Service is of the same class of use as the previously approved nonconforming use(s) and thus permissible.
- c. In the alternative to a. and b., above, a Variance from the Rules and Regulations of the Class R-5 Residence District as outlined in CCS 295-43. for the operation of a Private Ambulance Service instead of one of the enumerated permitted uses.

The Hearing has been closed; Memorandums of Law are to be submitted.

**APPEAL NO. 3426:** Appeal of Jason Silverman, owner of Premises known as 51-57 S. Keswick Avenue, Glenside, PA from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 4500 SF, 1 storey building ( to replace a building damaged by fire in May 2007 and demolished in December 2007); the

building is to be used for a Ceramics Studio (2700 SF) and a retail space (1800 SF). Said Premises being within the Class C-4 Commercial and Business District, in part, and with the Class R-7 Residence District, in part:

- a. A Variance from the Rules and Regulations of the Class C-4 Commercial and Business District as outlined in CCS 295-127. for the manufacture of pottery instead of one of the enumerated permitted uses.
- b. In the alternative to a., above, a Special Exception in accordance with Rules and Regulations of the Class C-4 Commercial and Business District as outlined in CCS 295-127.L. for the proposed Ceramics Studio.
- c. Variances from the Rules and Regulations of the Class C-4 Commercial and Business District as outlined in Article XVIII of the Cheltenham Code for the proposed building as follows:
  - i. From CCS 295-129.A. for a lesser front yard setback of zero feet (0') from the SEPTA R/W line instead of the minimum required 15'.
  - ii. From CCS 295-132. for vehicular parking within the 15' wide vehicular parking setback area in which no vehicular parking is permitted.
  - iii. From CCS 295-133. for a lesser buffer area of zero feet (0') instead of the minimum required 11' along the C-4/R-7 District boundary line.
- d. A Variance from the Rules and Regulations of "Parking and Loading" as outlined in CCS 295-221.D. for three (3) on-site parking spaces instead of the minimum required 11 parking spaces. (Applicant is concurrently asking for permission/waivers for the dedicated use of 8 angled parking spaces on the Keswick Avenue frontage of the premises and 3 parallel parking spaces on the Keswick Avenue frontage of the Premises from the Cheltenham Township Board of Commissioners; said parking spaces are wholly or partially within the public right of way. Parking for the recently demolished retail/office building was in the same location).

No one was present for this Application.

Mr. Lynch stated that it is a 1 storey proposed ceramics studio. The first building is a metal building; the applicant is trying to solicit input from neighbors.

Mr. Lynch stated that the applicant had several meetings with neighbors and met with Commissioner Sharkey. Mr. Lynch does not know the results of the meetings.

Mr. Harrower stated that the PC needed to know how the neighbors issues were being addressed.

Mr. Winneberger made a Motion of Denial due to lack of information; Mr. Gordon seconded the Motion; the Motion passed.

**APPEAL NO. 3429:** Appeal of Miriam Szewczyk, owner of premises known as 7909 Park Avenue, Elkins Park, PA 19027, from the Decision of the Zoning Officer in order to operate a restaurant tea room by renovating an interior basement for kitchen use and the first floor for dining use. The following Zoning Relief is required:

- a. Variances from the Rules and Regulations of the Class R3 Commercial and Business District as outlined in Article XVII of Chapter 295 of the Cheltenham Code as follows:
  - i. From CCS 295-124. to provide zero percent Green Area instead of the required 7% green area.
  - ii. From CCS 295-124. for providing no 15' wide landscape buffer area along the street frontage.

- b. Variance from the Rules and Regulations of "Parking and Loading" as outlined in CCS 295-221.H. for providing zero on-site parking spaces instead of the required four (4) parking spaces.

Mr. Harold Lichtman was present for the application.

Mr. Lichtman stated that the property used to be a beauty salon and has been vacant for a number of years.

Mr. Lichtman stated that there was a previous Zoning Variance for restaurant parking; however it has expired. The requirements have changed and the owner wants to develop into a restaurant.

Mr. Lichtman stated that the variances being requested are Landscape buffer/ Green space/ due to pergola being added to the outside.

Mr. Lichtman stated that the property is in the C-3 District and there will be 20 seats inside building with the same number on outside depending on space.

Mr. Cross asked about the specifics of the kitchen. Mr. Lichtman stated that the kitchen is in the basement with a vent hood and grill. Mr. Lichtman further stated that the ceiling height meets code and the food will be brought up the stairs.

Mr. Lichtman stated that the staff will share the bathroom with patrons. Mr. Lichtman stated that there is one exit and 3 -4 staff members. Mr. Lichtman stated that it is a family ran business with hours of 11 AM to 8 PM.

Mr. Winneberger asked about the specifics of trash removal. Mr. Lichtman stated it would be nothing special and would run on a weekly basis. Mr. Lichtman stated that the residential property next door is owned by the same owner. Mr. Laughlin asked if there were any intention of incorporating the other dwelling into the restaurant. Mr. Lichtman confirmed nothing was planned.

A resident in the audience asked if there was going to be alcohol served. Mr. Lichtman stated no, it would be BYOB.

Mr. Winneberger made a Motion of No Action; Mr. Gordon seconded the Motion; the Motion passed.

**APPEAL NO. 3430:** Appeal of Monica Varela, owner of Premises known as 1119 Stratford Avenue, Melrose Park, PA 19027, from the Decision of the Zoning Officer for the following Zoning Relief in order to add an 20.67' x 16.67' carport to the front southwest corner of the house:

- a. Variances from the Rules and Regulations of the Class R-4 Residence District as outlined in Article VII of Chapter 295 of the Cheltenham Code, as follows:
  - i. From CCS 295-38. for a greater building area of 23.9% instead of the maximum permitted 20%.
  - ii. From CCS 295-39.A (1) for a lesser front yard setback of 25' to the carport instead of the minimum required 40' ( the front yard setback to the main house is 20').
  - iii. From CCS 295-39.B(2) for a lesser side yard setback of 8' instead of the minimum required 20'.

Mr. Lynch stated that this appeal is for a Resident with mobility problems and is requesting a car port adjacent to the house to get in and out without exposure to inclement weather.

Discussion ensued regarding setbacks and locations of carport on plan.

Rich Seevus of Volpe Enterprises was present for application.

Mr. Seevus stated that the parking is to the left of the house and the impervious surface is not changed and the carport is to protect from the elements and to prevent icing.

Mr. Seevus stated to do anything smaller would further constrict parking.

Mr. Laughlin asked if the neighbors agree and if anyone was notified. Mr. Seevus stated that he hasn't spoke with the neighbors yet but that there are two carports down two houses and across the street.

Mr. Cross recommended getting letters of support from neighbors and getting plenty of pictures for the ZHB.

Mr. Winneberger made a Motion of No Action; Mr. Gordon seconded the Motion; the Motion passed.

**8. Review of Conceptual Site Plan for Laverock- 1729-35 & 1777  
E. Willow Grove Avenue.**

Mr. Cross noted for the record that Mr. Laughlin is recuing himself from the discussion and will not be making any comments on behalf of the Planning Commission.

Ross Weiss, Bud Hansen and Ed Zoller were present on behalf of the Hansen Group.

Mr. Weiss stated that 11 acres of the estate are in Cheltenham Township and 32 acres in Springfield Township.

Mr. Weiss stated that the original plan had 216 age-restricted apartments but the Plan did not include retaining the Lloyd Estate.

The current Conceptual Site Plan has 156 Market Rate Townhomes: 44 in Cheltenham and 112 in Springfield; the plan preserves the Lloyd Mansion and out buildings.

Mr. Weiss stated that they tried to come up with number of different plans incorporating the Lloyd Estate because the Lloyd Estate is one of the few remaining estates in Philadelphia area.

Mr. Weiss stated that the estate is in bad shape and that Mr. Hansen took time to have the property reevaluated after the market dived.

Mr. Weiss stated that the neighbors have objected to several things, building height, number of buildings in Cheltenham Township, etc.

Mr. Weiss stated that no action is being requested on the Plan in front of the PC tonight and the Plan is for discussion purposes only. Mr. Weiss stated that he gave the same presentation to the Board of Commissioners and requested the opportunity to appear in front of PC.

Mr. Weiss stated that they previously discussed a Age Restricted Development but it is now market rate.

Mr. Weiss stated that this is the minimum number which Developer can keep financially feasible and keep the Lloyd Estate.

Mr. Weiss stated that the plans for the Mansion range from office use to a club house for residents of the development.

Mr. Weiss stated that the conceptual plan will also be in front of the Springfield Township Planning Commission on Feb 7, 2012.

Mr. Hansen stated that his vision is for this development to be a first class attractive location for singles and families to acquire housing and add to vitality of Cheltenham Township and Springfield Township areas.

Mr. Hansen stated that the townhouses are in the \$300 K to \$350 K range.

Mr. Cross asked if there is any maintenance plan to keep the buildings from getting worse.

Mr. Lynch stated that he would be meeting with Ken Amey to go over the plan later this week.

Mr. Weiss stated that the Developers are sensitive to the slopes and natural grading of the area. The Developer is aware of the close proximity of Rte. 309 and is not anxious to put houses close to the road.

Mr. Weiss stated that the Developer still needs to get ingress and egress of property figured out and they do not want to damage the wall. Mr. Weiss stated that Mr. Hansen wants to incorporate as much of the wall as possible.

Mr. Weiss acknowledges the need to do a traffic study, and acknowledges that everyone is concerned about flow of traffic. Mr. Weiss stated that the entrance to Newbold is an access road only.

Mr. Cross asked about the parking ratios.

Mr. Hansen said 2 cars per unit for sure and maybe guest parking half to full car per unit.

Mr. Winneberger stated that when he first looked at the plan he noticed how dense it is on Cheltenham Township side. Mr. Winneberger stated that the plan is very linear and more rectangular than the rest of neighborhood. Mr. Winneberger doesn't like the idea of the main accessway running behind the Newbold Lane properties.

Mr. Cross stated that there are ways to make this plan better.

Mr. Winneberger stated that the Developer really needs to explore using a combination of single-family dwellings and Town houses. Mr. Winneberger stated he feels it's still too dense.

Mr. Gordon stated that he shares the same opinion on the plan being blocky. Mr. Gordon encourages saving the gardens on the side of the building and to address the office parking. Mr. Gordon stated that there is a Creshiem trail being proposed and urges the Developer to consider an easement to allow the trail to cross through. Mr. Gordon recommends the Developer reach out to The Friends of Creshiem Trail group.

#### Community Comments:

Michael Harkins owner of 1799 E. Willow Grove Avenue, stated that the property on the right hand side of the plan in the un-shaded area is his property.

Mr. Harkins stated that there are issues with safety ingress, egress and that his property is landlocked by the present Hansen property. Mr. Harkins stated that he and his wife are dependent on a small country lane to gain access to his property. Discussion ensued re: location of roads on plan.

Mr. Harkins stated that a brick wall lies 10" outside of CTWP. There is 25' between gates and where the Willow Grove Road apron begins. Mr. Harkins stated that there is no indication of Topography on this plan.

There is a considerable slope to make and if you are not a bold driver the slope is hard to make. Mr. Harkins said its almost impossible in inclement weather. Mr. Harkins stated his fear is the possibility of 100 people or more trying to get out of such a narrow entrance.

Mr. Harkins stated that if it's icy you have to make a run up the hill, if you reach the top and notice a car coming you have to drift back. Mr. Harkins disagrees with Mr. Hansen's assessment of the property still being in pre-sale condition. It has deteriorated even more. Mr. Harkins states the property is in state of disrepair.

Bob Elfant- 7812 Frobel Road:

Mr. Elfant stated that he is against the development. Mr. Elfant stated that he attended both Cheltenham Township and Springfield BOC Meetings. Mr. Elfant stated that there are Stormwater management issues for both Townships.

Mr. Elfant has lived in Laverock for 4 years and can attest to marked deterioration and the property not being well maintained. Mr. Elfant expressed his concerns regarding traffic issues, density and the large property tax differential between Cheltenham and Springfield Township. Mr. Elfant asked if the Developer planned on building the cheaper townshouses on the Cheltenham side to make up for the larger taxes.

Mr. Cross stated that Mr. Elfant's comments are right on point. Mr. Cross stated that he is also concerned about marketability of these townhouses but recognizes that the Township will not get all the answers yet. The Developers aren't ready.

Mr. Elfant is concerned that the Developer is just trying to sell to a builder and is only interested in flipping the property without concern about the neighborhood.

Mr. Weiss stated that Hansen Properties has the capability to construct this Development.

Guysen Lockett- 8001 Newbold Lane:

Mr. Guysen Lockett is concerned about the lack of traffic studies being done and is very concerned about traffic. Mr. Guysen also expressed concern about the wastewater issues.

Joann Packer- 1807 E. Willow Grove Avenue:

Ms. Packer stated that she has lived here for 35 years and expresses concern and dissatisfaction regarding the stop light at the Willow Grove Avenue intersection. Ms. Packer stated that before the light, cars had to come to a complete stop before the intersection. Now cars race through to make the green lights. Ms. Packer is concerned about how narrow the road currently is and is worried a development will make the area even more dangerous to walk or bike.

Scott Laughlin- 1681 E. Willow Grove Ave:

Mr. Laughlin stated that he is part of a Neighbors group that consists of both Cheltenham Township and Springfield Township neighbors, he stated that there is significant impact to both townships.

Mr. Laughlin acknowledged that the proposed plan is the less dense of all the other plans. Mr. Laughlin stated that the adjustments and alterations have taken into account some of the community concerns.

Mr. Cross asked about the dotted pathway driveway shown on the plan to Ranch House Lane. Mr. Hansen stated that it is an Emergency Access Lane it is not paved but will have grass pavers for firetrucks to ride over.

Mr. Harrower asked about another historic building on back of the site. Mr. Hansen stated that one gentleman lives in it and takes care of the yards of the property. Mr. Hansen stated that the father of the gentlemen was one of the original caretakers for the Lloyds. Mr. Harrower asked if it's viable to keep the property and develop around it? Mr. Hansen stated it's possible but density plays a huge factor in where things can be moved.

Mr. Harrower asked how the Developer plans on addressing the tax differential between the two townships. Mr. Weiss stated that hasn't come up in discussions yet.

Mr. Cross stated that the tax question is a legitimate concern. Mr. Cross stated that the residents are asking a bunch of questions because the community is concerned. Mr. Cross stated that he is glad someone finally brought a conceptual plan. This is the right way to approach something.

Leslie Hirscht- 1609 Harris Rd:

Mr. Hirscht is concerned about the number of houses being built for sale. Mr. Hirscht said it's hard to sell houses now and there are already 10 houses for sale in his area. Mr. Hirscht is concerned about number of units being dumped onto the real estate market.

Gwen Punchard- 522 Custis Rd:

Ms. Punchard stated that she wants to see a plan with more details, not just blocks on a piece of paper. Ms. Punchard hopes the Developer takes it as a challenge to make it a beautiful place.

A resident asked if the Developer sells homes first prior to building or build the whole development then sell. Mr. Hansen stated that it is subject to the market place. Mr. Hansen stated that an Infrastructure including roads etc will be in place before sale.

Michael Umen- 544 Custis Road:

Mr. Umen doesn't want anything built there. He asked about the notification process.

**9. Old Business**

None

**10. New Business**

None.

**11. Adjournment**

Mr. Cross made a motion for adjournment; Mr. Winneberger seconded the Motion, the Motion passed. The meeting adjourned at 10:15 P.M.



David G. Kraynik  
Township Manager

Per Holly A. Nagy

# Township of Cheltenham

Montgomery County, Pennsylvania

**Board of Commissioners**  
Harvey Portner, President  
Art Haywood, Vice President  
Kathy A. Hampton  
Charles D. McKeown  
J. Andrew Sharkey  
Morton J. Simon, Jr.  
Michael J. Swavola

**Township Manager**  
David G. Kraynik



**Administration Building**  
8230 Old York Road  
Elkins Park, PA 19027-1589

Phone: 215 887-1000  
FAX: 215 887-1561  
Website: cheltenhamtownship.org

## MEMORANDUM

**DATE:** December 20, 2011

**TO:** Cheltenham Township Planning Commission

**FROM:** David G. Kraynik *DKK*  
Township Manager

**RE:** Proposed Amendment to Zoning Code

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Please be advised that the Board of Commissioners will hold a Public Hearing on Wednesday, February 15, 2012, at 7:30 PM (prevailing time) at Curtis Hall, Church Road and Greenwood Avenue, Wyncote, to consider a proposed amendment to the Cheltenham Township Code, Ordinance 1846-95, Chapter 295, entitled Zoning.

The Hearing will consider an amendment of the code of the Township of Cheltenham, Chapter 295, thereof, entitled "Zoning", by adding definitions for buffer, building, common open space, developable acreage, building coverage, historic resource, impervious coverage, internal accessway, floodplain, steep slopes, wetlands, riparian buffer, riparian corridor, and street to Article I; and by adding a new Article XXXIII, entitled "Age Restricted Overlay District"

Attached is a copy of the "Draft" Ordinance.

This matter will be listed on the agenda for the January 23, 2012 meeting of the Planning Commission. The Township requests your review and recommendations.

cc: David M. Lynch, P.E., P.L.S.\*  
Joseph Bagley, Esq.\*  
Hannah Mazzaccarro\*  
Ken Amey\*  
\* via email

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**CHELTENHAM TOWNSHIP  
ORDINANCE NO. \_\_\_\_ - \_\_**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CHELTENHAM, CHAPTER 295, THEREOF, ENTITLED “ZONING”, BY ADDING DEFINITIONS FOR BUFFER, BUILDING, COMMON OPEN SPACE, DEVELOPABLE ACREAGE, BUILDING COVERAGE, HISTORIC RESOURCE, IMPERVIOUS COVERAGE, INTERNAL ACCESSWAY, FLOODPLAIN, STEEP SLOPES, WETLANDS, RIPARIAN BUFFER, RIPARIAN CORRIDOR, AND STREET TO ARTICLE I; AND BY ADDING A NEW ARTICLE XXXIII, ENTITLED “AGE RESTRICTED OVERLAY DISTRICT”**

**SECTION 1.** The Board of Commissioners hereby amends the Code of the Township of Cheltenham, Chapter 295, entitled “Zoning”, by inserting the following definitions in Article I, Section 295-2.C, in alphabetical order:

**BUFFER** – An area designed to separate the land uses which it abuts and to ease the transition between them. A buffer shall be comprised of vegetation arranged to soften and screen the view from one side to another during all seasons of the year. Unless otherwise specified, buffers may be included as part of the required setbacks and yard areas.

**BUILDING** – Any structure having a roof supported by columns, piers, pipes, studs, walls or other building materials located upon the land. A parking structure shall also constitute a building.

**BUILDING COVERAGE** – The ratio of the building area on a lot to the developable acreage of the lot.

**COMMON OPEN SPACE** – An outdoor portion of a development or tract of land that is designed or functions as a recreational area and/or for the preservation of sensitive natural features. Private yards directly adjacent to a residence shall not be considered common open space.

**DEVELOPABLE ACREAGE OR AREA** – The area within the lot lines, except those portions located within the ultimate right-of-way of existing public or private roads, wetlands, floodplains, land continuously covered by water, watercourses, riparian buffers, or slopes 15% or greater.

**FLOODPLAIN** – That area defined in Article XXI of this Chapter as the Floodplain Conservation District(s). The floodplain definition contained therein shall be considered the definition for floodplain for all purposes and uses of this Chapter.

**HISTORIC RESOURCE** – A structure listed in the National Register of Historic Places, the Pennsylvania Historic Resources Survey, the Montgomery County Inventory of Historic and Cultural Resources, the Montgomery County Comprehensive Plan, the Cheltenham Township Comprehensive Plan, the Cheltenham Township Inventory of Cultural Resources, a listing of historic and cultural resources compiled by the Board of Commissioners or Planning Commission, or other appropriate documentation, or a structure seeking listing as a historic resource from any of the above listings. The term historic resource shall also include historic accessory uses.

**IMPERVIOUS COVERAGE** – The ratio of the area of all portions of a lot covered in any way so as not to allow the ground beneath to absorb water at a natural rate, to the developable acreage of the lot.

**INTERNAL ACCESSWAY** – A private roadway or driveway providing access to a property from a public or private street.

**RIPARIAN BUFFER** – An area with a width defined by this Chapter, designed to protect the riparian corridor.

**RIPARIAN CORRIDOR** – Lands adjacent to streams, wetlands, and water bodies.

**STEEP SLOPES and STEEP SLOPE AREA** – An area with slopes of 15% or greater as further defined in Article XXII of this chapter as the Steep Slope Conservation District(s). The steep slope definition contained therein shall be considered the definition for steep slopes and steep slope area for a purposes and uses of this chapter.

**STREET** – A right-of-way, whether municipally or privately owned, serving as a means of vehicular travel, furnishing access to abutting properties and space for sewers and public utilities.

**WETLANDS** – Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances to support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

**SECTION 2.** The Board of Commissioners hereby adopts the following as Chapter 295, entitled "Zoning", Article XXXIII, "Age Restricted Overlay District".

**§295-240. PURPOSE.**

The purpose of this district is to provide accommodation for age restricted housing developments by establishing regulations to permit development by special exception, tailored to the needs of residents 55 years of age and older, recognizing their different housing needs and relatively reduced impacts on surrounding land uses; and to require protection and preservation of historic resources in the development of land for age restricted housing, as follows:

- A. By providing a greater variety of housing to serve the needs of older persons who prefer an active and independent residential environment.
- B. By encouraging the preservation of the character of neighborhoods adjacent to the district.
- C. By encouraging the preservation of natural features, such as woodlands, streams and open space by allowing compact development.
- D. By promoting a pedestrian environment and providing a pedestrian orientation of buildings and streets.
- E. To address Sections 603, 604, and 605 of the Pennsylvania Municipalities Planning Code by requiring the protection and preservation of historic resources.

**§295-241. OVERLAY.**

The Age Restricted Overlay District shall be permitted by special exception on all parcels meeting the following criteria:

- A. The tract of land to be developed shall be a minimum of 5 acres in gross area and shall have been held in single and separate ownership before and since the date of adoption of this overlay district. No tract proposed for development under this ordinance shall be subdivided, either during or after the development process.
- B. The tract must be located within a Residential or Institutional Zoning District, or the C-1 Commercial District. The C-2, C-3, and C-4 Commercial and Business Districts; and the G Manufacturing and Industrial Districts are specifically excluded from this overlay district.
- C. The tract must have frontage on a state highway and must take access from that highway. Minimum frontage on a state highway shall be as follows:

1. For parcels between 5 and 8 acres: 450 feet
2. For parcels greater than 8 and not more than 12 acres: 750 feet
3. For parcels greater than 12 and not more than 30 acres: 850 feet
4. For parcels greater than 30 and not more than 60 acres: 900 feet
5. For parcels greater than 60 acres: 2500 feet

D. All development under the Age Restricted Overlay District shall comply with the provisions of this Article. If conflict exists between the requirements of this Article and another provision of the Cheltenham Township Zoning Ordinance, the requirements of this Article shall apply.

#### **§295-242. USE REGULATIONS.**

The following uses are permitted in the Age Restricted Overlay District:

- A. Any use permitted in the underlying zoning district, subject to compliance with all provisions of that district.
- B. The following uses are permitted by special exception, subject to the provisions of this Article:
  1. Age restricted housing in accordance with the Federal Fair Housing Act and the standards set forth in this Chapter including, but not limited to, §295-244 K.3.b. An applicant for such a special exception shall demonstrate compliance with Sections 295-243. and 295-244. of this Article as well as the criteria for granting special exceptions provided in Article XXVII.
  2. Retail shops, personal service shops, and professional offices may be permitted as accessory uses within one or more of the principal residential buildings. These uses shall be limited to the first floor only. In addition, such a use(s) may be located in a separate free-standing building(s); however, in that case the total area occupied by such a use(s), including building and parking areas, shall not exceed 5% of the developable acreage of the tract.
  3. Accessory uses customarily incidental to age restricted housing including clubhouse, dining facilities, indoor and outdoor recreational facilities, and maintenance and security facilities.

#### **§295-243. PERFORMANCE STANDARDS.**

- A. Perimeter Setback. (In addition, see setback modifications contained in subsection F.2.)
  1. The minimum building or parking setback from an exterior or perimeter street right-of-way, or a municipal boundary, shall be 100 feet.

2. The minimum building setback from an adjacent property zoned for single family detached or attached use shall be 75 feet. The minimum building setback from property zoned for any other use shall be 50 feet.
3. The minimum parking setback from an adjacent property zoned for single family detached or attached use shall be 50 feet. The minimum parking setback from property zoned for any other use shall be 25 feet. In all cases, driveways shall conform to the parking setback requirement except that portion of the driveway required to make a transverse crossing from the right-of-way to the setback line.

B. Housing Types. The following housing types shall be permitted in the age restricted overlay district:

1. Single family detached dwellings.
2. Single family semi-detached dwellings.
3. Two family detached dwellings.
4. Two family semi-detached dwellings.
5. Townhouses. Within the Age-Restricted Overlay District a row of townhouses shall contain no more than 5 attached units.
6. Midrise Multi-family dwellings. For the purposes of this Article, Midrise Multi-family dwellings shall be defined as multiple dwelling buildings at least 4 stories in height, and no greater than 8 stories or 96 feet in height.

C. Density.

1. The overall density shall not exceed 8 dwelling units per developable acre for single family detached dwellings, single family semi-detached dwellings, two family detached dwellings, two family semi-detached dwellings, or townhouses.
2. The overall density for Midrise Multi-family dwellings shall be as follows:
  - a. 4 or 5 story buildings – 12 units per developable acre
  - b. 6 or 7 story buildings – 15 units per developable acre
  - c. 8 story buildings – 20 units per developable acre
3. In all cases, a single qualifying tract developed under this overlay shall not contain more than 300 total dwelling units.

D. Building coverage.

1. Building coverage shall not exceed 20% of the developable area of the tract.

E. Impervious coverage.

1. Impervious coverage shall not exceed 45% of the developable area of the tract.

F. Maximum building height.

1. Except as provided in subsection F.2., the maximum building height shall be 45 feet, not to exceed three stories.
2. In the case of Midrise Multi-family dwellings, the maximum building height shall be 96 feet, not to exceed 8 stories; however, for every foot or fraction thereof in excess of 45 feet in height, each and every setback requirement shall be increased by 3 feet; and for every story in excess of 3 stories in height, the building coverage limitation shall be reduced by 2% and the impervious coverage limitation by 3%.

G. Building arrangement.

1. The minimum distance between buildings shall be the greater of 30 feet or half the height of the taller building.
2. The maximum building length shall be 160 feet, including angles.
3. Buildings shall be set back a minimum of 25 feet from the cartway of internal accessways. In the case of any internal streets required to be designed with a right-of-way, the 25 foot setback shall be measured from the right-of-way line.

H. Common open space.

1. All development under this Article shall provide not less than 50% of the total area of the tract as common open space. In all instances, all nondevelopable area shall be preserved as common open space, and at least 20% of the developable area shall be included as common open space.
2. Provision shall be made to provide continued protection and maintenance of the common open space so as to insure its preservation. This shall be accomplished in one of the following manners:
  - a. The Township may, but shall not be required to, accept any portion of the common open space by fee simple dedication, provided that:

- 1) There is no cost to the Township; and
  - 2) The Township agrees to and has adequate access to maintain such facilities.
- b. With permission of the Township, and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the owner may transfer the fee simple title in the common open space or a portion thereof to a private, nonprofit organization among whose purposes is the conservation of open space land and/or natural resources; provided that:
- 1) The organization is acceptable to the Township and is a bona fide conservation organization with a perpetual existence.
  - 2) The conveyance contains appropriate provision for proper retransfer or reverter in the event that the organization becomes unable or unwilling to continue to carry out its functions.
  - 3) A maintenance agreement acceptable to the Township Solicitor is entered into by the developer, organization and Township.
  - 4) A deed restriction is recorded with the office of recorder of deeds for the applicable open space restricting its use as open space only.
- c. The developer may provide for and establish an organization for the ownership and maintenance of the common open space consistent with the requirements for unit owners associations found in the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. §3101 et seq. If such an organization is created, the deeds and agreements of sale for the common open space and for all individual lots within the tract shall contain the following requirements in language acceptable to the Township Solicitor:
- 1) Such organization shall not dispose of the common open space by sale or otherwise except to the Township or other governmental body unless the Township has given prior, written approval. Such transfer shall be made only to another organization which shall maintain the common open space in accordance with the provisions of this article.
  - 2) The organization and all lot owners within the development shall agree to be bound by the provisions of §705(f)(2) and (3) of the Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. §10705(f)(2) and (3), relating to Township maintenance of deteriorating open space and providing

for the ability of the Township to access and lien the properties within the development.

- 3) All lot owners within the development shall be required to become members of the organization and pay assessments for the maintenance of the common open space which may be increased for inflation and which may provide for professional management; and the organization may lien the lots for nonpayment of maintenance assessments in the same manner as other assessments.
- 4) The Township may require the formation of a reserve fund to cover capital improvements and maintenance to the common open space.
- 5) A deed restriction is recorded with the Office of the Recorder of Deeds for the applicable open space restricting its use as open space only.

I. Riparian buffer.

1. A riparian buffer with a minimum width of 100', or as required by the Riparian Corridor Conservation District, shall be provided along all riparian corridors.

**§295-244. DEVELOPMENT REQUIREMENTS.**

A. Master Plan.

1. The project shall be developed and constructed in accordance with an overall master plan for the site. The master plan shall be submitted as part of any application for approval in this district.
2. The development shall be carried out in phases, with each phase so planned that the requirements and intent of this article for any phase shall be fully complied with at the completion of that phase. For housing types other than midrise multi-family dwellings, the initial phase of development shall contain no more than 10 dwelling units, or 15% of the total number of dwelling units proposed under the master plan, whichever is greater. For midrise multi-family dwellings, the initial phase shall be one building.
3. Prior to the start of construction of the initial phase, financial guarantees shall be posted to ensure the completion of all amenities, including, but not limited to: swimming pools, tennis courts, recreational areas and buildings, community centers, fitness centers, and walking trails, as shown on the master plan.

B. Off-Street Parking and Loading.

1. Parking Spaces – 1.5 spaces per unit, plus one guest space for every 5 units and one space for each employee on the largest shift.
  2. Parking and loading for accessory uses shall be in addition to the above requirements and shall be provided as required by §295-221. of this chapter.
- C. All utility lines shall be located underground. Any required above-ground structures shall be screened from adjoining properties and road rights of way. Screening shall consist of a fully landscaped buffer.
- D. All development in this district shall be served by public water and sewer.
- E. Pedestrian Design Standards.
1. Sidewalks are required along all exterior or perimeter road frontages, and along all interior streets and accessways.
  2. Pedestrian connections shall be provided to all front building areas, parking areas, and other pedestrian destination points.
  3. Whenever possible, sidewalks shall connect to existing sidewalks on abutting properties and other nearby pedestrian destination points and transit stops.
  4. Walking trails shall be incorporated into the common open space area and shall be available for use by the general public.
- F. Landscaping. Any application for development in this district shall be accompanied by a landscape plan prepared by a registered landscape architect. In addition to all requirements of the Subdivision and Land Development Ordinance, the plan shall include a landscaped buffer with a minimum width of 25' along the entire perimeter of the tract. All existing trees greater than 6" in caliper shall be identified and preserved to the maximum practicable extent.
- G. Lighting. All exterior lighting shall be designed to prevent glare onto adjacent properties. Pedestrian pathways shall be clearly marked and well lit. Lighting shall be sufficient for security and identification purposes, and shall be shielded so the source of light is not visible. Illumination onto existing residentially used areas shall at no time exceed 0.5 footcandle at the property line. The height of fixtures shall be a maximum of 20 feet for parking lots and 16 feet for pedestrian walkways.
- H. Refuse, Service, and Loading Areas. Areas provided for refuse storage, service, and loading must be located to the side or rear of buildings and be visually screened from streets and pedestrian ways with landscaped buffers, privacy fencing and/or walls, sufficient to provide year-round separation.

I. Architectural Requirements.

1. All buildings shall be designed with a single unifying architectural theme which shall reflect and enhance the visual and historic character of the area.
2. The use of dormers, cupolas, bay windows, offsets, chimneys, balconies, and other architectural details is encouraged and shall be included where appropriate.
3. Exterior wall and detail materials are to be brick, stone (natural or manmade), stucco, wood or other approved materials on at least 75% of all building facades. Blank or windowless walls are not permitted. Building facades which face residentially zoned properties or properties with a predominately residential character shall be designed to complement those uses.
4. As part of the special exception application, the applicant shall provide architectural renderings of all proposed buildings along with samples of the actual materials to be used. The applicant shall also provide graphic representations showing the relationship between the proposed development and structures in the surrounding area.
5. All homes constructed under this overlay district shall meet the guidelines for Energy Star rating set by the U.S. Environmental Protection Agency (EPA). Third party verification by a certified Home Energy Rater or equivalent is required prior to occupancy of each home.

J. Preservation of Historic Resources.

1. Historic resources within the Township shall be identified and preserved as a part of the development plan, in a manner acceptable to the Board of Commissioners.
2. When a historic resource is preserved as required by this Article, the area of the historic resource may be counted toward a maximum of 25% of the required open space, and it shall not be counted toward the maximum building or impervious coverage limits.
3. The setting of the historic resource shall be protected by creating a buffer from new construction. At a minimum, the historic resource shall be separated from new development by 50 feet.
4. A historic structure may be used as part of a development under the Age Restricted Overlay District for any permitted use in this district or the underlying zoning district, provided a special exception for such a use is granted by the Zoning Hearing Board and subject to such conditions as are approved by the Zoning Hearing Board. In deciding an application for such a special exception,

the Zoning Hearing Board shall duly consider the suitability of the proposed use for the structure, whether the applicant has minimized the impact of the use upon adjoining properties and whether a majority of the purposes of the District, set forth in Section 295-240, will be accomplished.

- a. When authorized by the Zoning Hearing Board as a special exception, a separate lot may be created to promote preservation and conservation of historic and natural resources. Such lot shall be a minimum of one acre and a maximum of ten acres in area, and shall otherwise conform to all dimensional requirements of the underlying district and the requirements of this subsection J. In case of any conflicts between those requirements, the most stringent shall apply. To ensure compatibility with neighboring properties, any lot created under this section shall be deed restricted with respect to location, type, and intensity of use, and shall be restricted against further subdivision. The content of all deed restrictions shall be subject to review and approval of the Township Solicitor.

5. Provisions shall be made to provide continued protection and maintenance of the historic resource, in a form acceptable to the Board of Commissioners and the Township Solicitor.

K. Community Impact Analysis. All applications for development under this overlay district shall be accompanied by a Community Impact Analysis consisting of the following:

1. An environmental impact study showing the impact on existing floodplains, wetlands, woodlands, steep slopes, and other sensitive natural features of the property.
2. A traffic impact study documenting the impact on the Township and regional transportation system and the ability of adjacent streets and intersections to efficiently and safely handle the traffic generated by the proposed development.
3. A fiscal impact study detailing the immediate post construction financial benefit or loss to the Township, school district, and county.

L. Additional Requirements.

1. A property approved for development in accordance with the provisions of this article shall not be changed from age restricted use unless all requirements of the underlying zoning district are met.
2. An applicant for an age restricted community in this district shall provide at the time of final plan approval proof of deed restrictions or other documentation

satisfactory to the Township Solicitor that limits the residential use of the property to those residents who meet the requirements of this Article.

3. All documentation pertaining to the establishment of a homeowners association, condominium association, management or maintenance group, or other similar community association shall be subject to review and approval by the Township Solicitor. Such documentation shall include, in addition to those provisions required by the Township Solicitor, the following items:
  - a. Rules implementing age verification, in accordance with regulations of the United States Department of Housing and Urban Development (the "Department"), as amended, that the units in the housing facility or community are intended and are operated for occupancy by at least one person who is 55 years of age or older.
  - b. Rules implementing verification, in accordance with regulations of the Department, as amended, if any, that at least 90% of the occupied units are occupied by at least one person who is 55 years of age or older.
  - c. A requirement that the housing facility or community publish and adhere to policies and procedures which demonstrate the intent for the facility or community to qualify for the statutory exemption from claims of familial status discrimination.
  - d. Such procedures and policies as are required by the Secretary of the Department for periodic verification of occupancy, as amended, including verification by reliable surveys and affidavits and policies and procedures relevant to a determination of compliance.
  - e. A definition of "occupied unit" identical to the definition in the Departments' regulations, as amended.

**SECTION 3.** Nothing in this Ordinance or in the Code of the Township of Cheltenham shall be construed to affect any suit or proceeding in any Court, and rights acquired or liability incurred, any permit issued or any cause of causes of action existing under the said Code prior to the adoption of this amendment.

**SECTION 4.** The provisions of the Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of this Court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted if such

illegal, invalid or unconstitutional section, sentence, clause, part or provisions had not been included herein.

**SECTION 5.** This Ordinance shall take effect and be in force from and after its approval as required by law.

**ENACTED** into an **ORDINANCE** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**TOWNSHIP OF CHELTENHAM  
BOARD OF COMMISSIONERS**

**BY:** \_\_\_\_\_  
Harvey Portner  
President

**ATTEST:** \_\_\_\_\_  
David G. Kraynik  
Secretary and Township Manager

ST PAUL'S EPISCOPAL CHURCH AGREES TO DESIGN THE DRIVEWAY FOR A DISTANCE OF 30' FROM CENTER LINE OF ROAD. OWNER AGREES TO CONSTRUCT A PHYSICAL BARRIER BETWEEN ST. PAUL'S EPISCOPAL CHURCH PARCELS A AND B.

There shall be no student outside activities on the York Rd. side of the premises. The parcel being conveyed is joined in common deed with the other lands of the Ashbourne School and compliance will be made to all local regulations. The residential qualities and design character will be unchanged and existing landscaping including trees, shrubs, plants, flowers and shrubs will be maintained, augmented and kept in excellent condition, painting of masonry, gutters and downspouts, exterior wood siding and trim to enhance the appearance of the building.

Note: the exterior changes shall be made to the existing building to be the same as the existing building. The petitioner shall erect a fire escape on the same as the existing fire escape from his neighborly property on the southeast corner of Spring Ave. and York Rd. The grant of this special exception is made subject to the plan of site and the plan on file with the Commission of Cheltenham Township. No additional buildings will be built on the Premises. There shall be no inter-connection between the seventeen car parking lot and the two car parking area in front of the private garage.

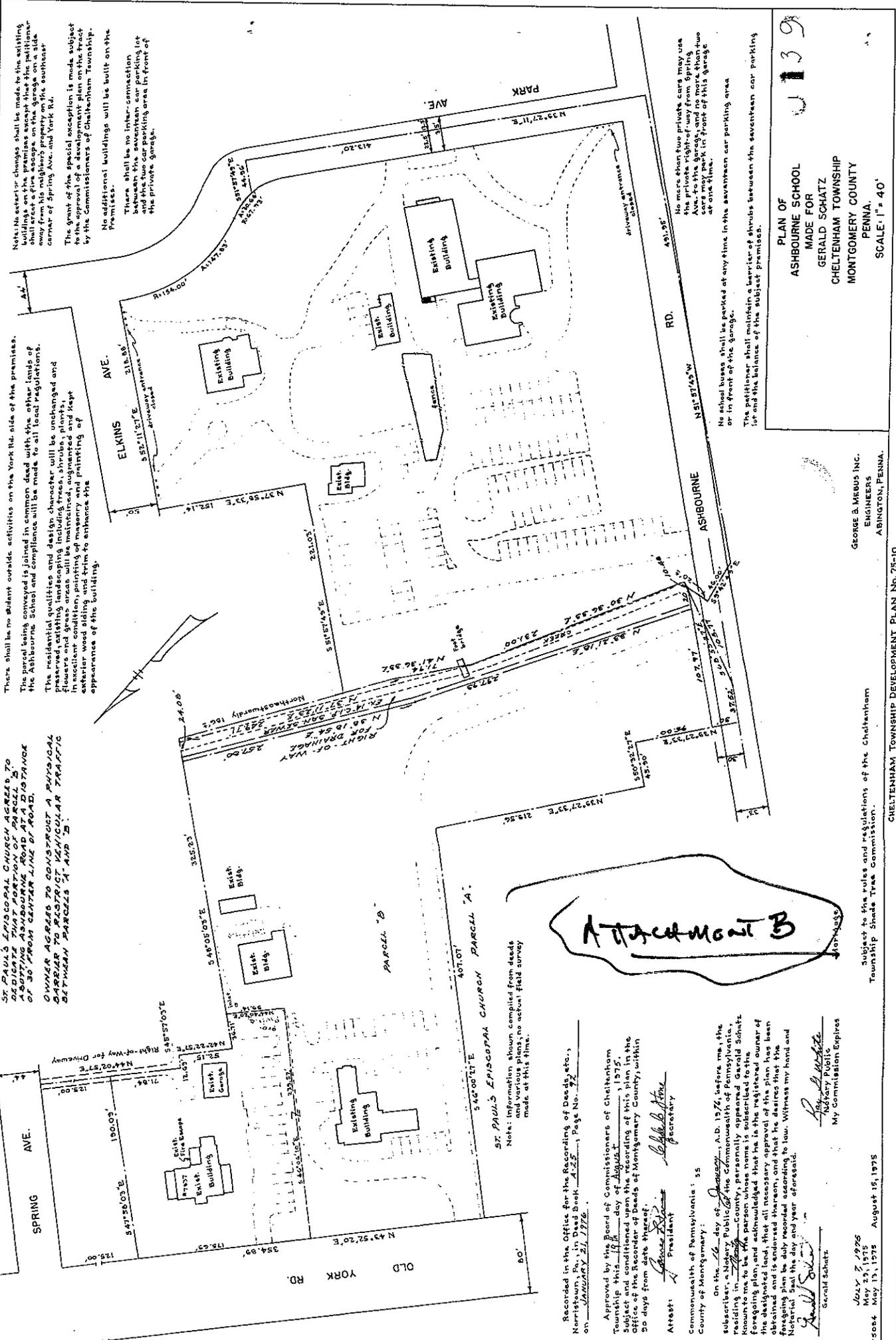
No more than two private cars may use the private right-of-way from Spring Ave. to the garage, and no more than two cars may park in front of this garage at one time. No school buses shall be parked at any time in the seventeen car parking area or in front of the garage. The petitioner shall maintain a barrier of shrubs between the seventeen car parking lot and the balance of the subject premises.

PLAN OF ASHBOURNE SCHOOL MADE FOR GERALD SCHATZ CHELTENHAM TOWNSHIP MONTGOMERY COUNTY PENNA. SCALE: 1" = 40'

GEORGE B. MEBUS INC. ENGINEERS ABINGTON, PENNA.

Subject to the rules and regulations of the Cheltenham Township Shade Tree Commission.

CHELTENHAM TOWNSHIP DEVELOPMENT PLAN No. 78-101



Attachment B

Recorded in the Office for the Recording of Deeds, etc., of Montgomery County, Pennsylvania, on JANUARY 21, 1976.

Approved by the Board of Commissioners of Cheltenham Township, this 19th day of August, 1975. Subject and conditioned upon the recording of this plan in the office of the Recorder of Deeds of Montgomery County, within 90 days from date thereof.

Attest: *[Signature]* Secretary

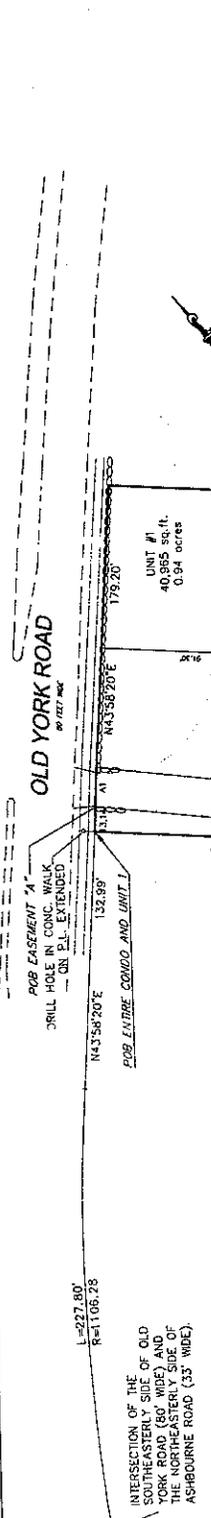
County of Montgomery: 55

On the 16th day of January, A.D. 1976, before me, the undersigned, a Notary Public for the Commonwealth of Pennsylvania, residing in Montgomery County, personally appeared Gerald Schatz, foregoing plan to be the person whose name is subscribed to the foregoing plan, that all necessary approvals of the plan have been obtained and is endorsed thereon, and that he desires that the foregoing plan be duly recorded according to law. Witness my hand and Notarial Seal the day and year of aforesaid.

*[Signature]*  
Gerald Schatz  
My Commission Expires

JULY 7, 1975  
MAY 23, 1975  
AUGUST 15, 1975

EASEMENT A			EASEMENT B		
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
A1	75.00	N43°58'20"E	B1	25.00	N43°58'20"E
A2	150.00	N43°58'20"E	B2	50.00	N43°58'20"E
A3	150.00	N43°58'20"E	B3	50.00	N43°58'20"E
A4	20.00	S89°20'27"E	B4	10.00	S89°20'27"E
A5	20.00	S89°20'27"E	B5	10.00	S89°20'27"E
A6	15.00	S89°20'27"E	B6	7.50	S89°20'27"E
A7	15.00	S89°20'27"E	B7	7.50	S89°20'27"E
A8	15.00	S89°20'27"E	B8	7.50	S89°20'27"E
A9	25.00	S43°52'23"W	B9	12.50	S43°52'23"W
A10	25.00	S43°52'23"W	B10	12.50	S43°52'23"W
			B11	21.48	N43°52'23"W
			B12	14.87	S44°02'08"W
			B13	176.48	N43°52'23"W

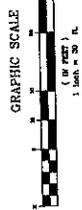


Attachment C

GENERAL NOTES:  
 1. THE CONDOMINIUM IS COMPOSED OF TWO (2) UNITS WITH AREAS AS FOLLOWS:  
 UNIT #1 40,985 SQ. FT. 0.94 ACRES  
 UNIT #2 126,141 SQ. FT. 2.90 ACRES  
 TOTAL CONDOMINIUM 167,126 SQ. FT. 3.84 ACRES  
 2. THE CONDOMINIUM HAS UNLIMITED COMMON AREA EASEMENTS IN AND BY THE CROSS  
 EASEMENTS WHICH ALLOW ACCESS, UTILITY SERVICES WITHIN AND TO AS DESCRIBED BY THE CONDOMINIUM  
 PLANS.

CERTIFICATION:  
 I, THE UNDERSIGNED, JOHN P. LEOPOLD, A PROFESSIONAL LAND SURVEYOR, BEING A LICENSEE UNDER  
 THE PROFESSIONAL LAND SURVEYING ACT, CHARTERED BY THE STATE OF MONTGOMERY COUNTY,  
 PENNSYLVANIA, DO HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREON IS TRUE AND  
 CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.  
 JOHN P. LEOPOLD, PLS.

AUGUST 1, 2008



**PLAN OF  
 7827 OLD YORK ROAD  
 CONDOMINIUM**

PREPARED BY:  
**TEI CONSULTING ENGINEERS, INC.**  
 100 BROADWAY, SUITE 1000  
 PHILADELPHIA, PA 19102  
 PHONE: (215) 222-2277  
 FAX: (215) 222-2278

SCALE: 1" = 30' DATE: AUGUST 1, 2008 SHEET: 1 OF 1

Curtis Hall  
January 23, 2012

An AdHoc Zoning Code Revision Committee meeting was held this night. Members present were: Messrs. Cohen, Gordon, Cross, Mirsky, and Harrower. Also in attendance were: Mr. David M. Lynch, Director of Engineering, Zoning and Inspections; Mr. Bryan Havir, Assistant Township Manager, and Ms. Hannah Mazzaccaro, Montgomery County Planning Commission.

### **1. Draft Zoning Code**

Discussion ensued regarding various goals for the review schedule of the draft Zoning Code.

Ms. Mazzaccaro suggested the committee read through the complete draft and make notes to bring to the next meeting.

Discussion ensued regarding the Residential Zoning Districts. Discussion ensued regarding setbacks, variances in residential districts, properties being right up on properties lines and Mixed Use properties.

Ms. Mazzaccaro stated that the most important thing is being consistent.

### **2. Multi-family districts**

Ms. Mazzaccaro stated that multifamily including senior housing is considered accessory commercial uses. Ms. Mazzaccaro stated that M1 properties have smaller minimum lot sizes, is less dense and allows up to 4 storeys and that M2 allows up to 8 storeys.

Ms. Mazzaccaro stated that M1-M2 allows for financial institutions.

Ms. Mazzccaro stated that the committee spent a lot of time on the C1 Shopping Center design standards and façade articulation. Discussion ensued regarding design guidelines.

### 3. C2 General Commercial District

Ms. Mazzaccaro stated that commercial corridors allow for Shopping Center areas and automotive oriented businesses.

Mr. Lynch noted that Bed & Breakfast's (B&B's) are listed. Ms. Mazzccaro stated that she knows it's a controversial issue. Discussion ensued regarding the locations of B&B's. Mr. Harrower stated that he didn't believe that B&B's belong in commercial districts.

Mr. Cross stated that in certain places and locations it could make sense. Mr. Cross stated that the committee is trying to make areas more commercially viable. Discussion ensued regarding Boutique Hotels.

Discussion ensued regarding Class 1 by right uses and Class 2 by right uses.

Mr. Lynch suggested the County do a GIS analysis of the number of C2 lots in Class 1 and Class 2.

Mr. Lynch asked if the code allowed assembly of lots. Mr. Havar asked if the goal was to promote redevelopment opportunities.

Discussion ensued regarding C-1 and C-2 exception status. Mr. Havar stated that it should go through a process that solicits input.

Discussion ensued regarding drainage, Stormwater Management Ordinance and open space issues.

Meeting adjourned at 7:20 PM



David G. Krainik  
Township Manager

Per: Holly Nagy

**RECENT  
ZONING HEARING BOARD  
DECISIONS**

**ZONING HEARING BOARD  
OF CHELTENHAM TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**APPEAL NO. 3423**

Applicant: Martin Roark  
651 Mulford Road  
Wyncote, Pennsylvania 19095

Subject Premises : 651 Mulford Road  
Wyncote, Pennsylvania

Owner of Premises: Martin Roark

Nature of Application: Applicant appeals from the determination of the Zoning Officer finding that the installation of a utility shed, measuring 8 feet by 12 feet, in the rear yard which creates a less than required rear yard setback would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article XXIX, Section 295-220, regulating yard setbacks.

Applicant seeks a variance from Section 295-220(C) of the rules and regulations of the C-3 Residence District to allow for the installation of a utility shed, measuring 8 feet by 12 feet, in the rear yard which creates a lesser rear yard setback of 3 feet instead of the minimum required 15 feet.

Time and Place of Hearing: Monday, December 12, 2011 – 8:45 p.m.  
Curtis Hall  
Church Road and Greenwood Avenue  
Wyncote, Pennsylvania

## FINDINGS OF FACT

1. Applicant Martin Roark (“Applicant”) is the owner of the premises known as 651 Mulford Road, Wyncote, Pennsylvania (the “Property”).

2. Prior to the holding of the hearing in this matter, an advertisement, noting the time and place of the hearing and the contents of the appeal, was placed in a newspaper of general circulation.

3. The property is located in an R-3 Residence District and is improved by a single-family residence.

4. The following documents were made a part of the record:

ZHB-1. a listing of exhibits;

ZHB-2. a copy of the legal notice with regard to the holding of hearing;

ZHB-3. an Application to the Zoning Hearing Board, referenced as Appeal No. 3423;

ZHB-4. a location map marked as Real Estate Registry Block 143, showing the location of the property;

ZHB-5. MEA Land Record Parcel Information on Property dated November 14, 2011;

ZHB-6. Building and Zoning Committee recommendation letter dated December 8, 2012;

ZHB-7. site plan of the proposed shed location;

ZHB-8. specification sheet from Sheds USA; and

ZHB-9. a series of photographs of the proposed shed location.

5. Applicant proposes to install a utility shed, measuring 8 feet by 12 feet, in the rear yard of the Property.

6. The proposed location for the shed would create a lesser rear yard setback of 3 feet instead of the minimum required 15 feet.

7. Applicant believes and the Board agrees that the proposed location of the shed close to the rear property line of the Property would maintain the integrity of the trees in the rear yard.

8. A grant of relief to allow the installation of a utility shed, measuring 8 feet by 12 feet, in the rear yard which creates a lesser rear yard setback of 3 feet instead of the

minimum required 15 feet will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

9. A grant of relief to allow the installation of a utility shed, measuring 8 feet by 12 feet, in the rear yard which creates a lesser rear yard setback of 3 feet instead of the minimum required 15 feet will result in premises consistent with the character of the neighborhood and will not materially alter the character of the zoning district or of the community.

10. A grant of relief to allow the installation of a utility shed, measuring 8 feet by 12 feet, in the rear yard which creates a lesser rear yard setback of 3 feet instead of the minimum required 15 feet will not be contrary to the public interest.

### **CONCLUSIONS OF LAW**

1. The installation of a utility shed, measuring 8 feet by 12 feet, in the rear yard which creates a lesser rear yard setback of 3 feet instead of the minimum required 15 feet is not permitted by the Cheltenham Township Zoning Ordinance. However, in accordance with the Pennsylvania Municipalities Planning Code and the Cheltenham Zoning Ordinance, the Cheltenham Township Zoning Hearing Board is empowered to hear and decide requests for variances where it is alleged that strict conformance with the governing ordinances would result in unnecessary hardship.

2. Under the circumstances of this matter, Applicant has met his burden in establishing that, due to the unique physical circumstances of the Property and those imposed by surrounding properties, a failure to grant relief to allow the installation of a utility shed, measuring 8 feet by 12 feet, in the rear yard with a lesser rear yard setback of 3 feet instead of the minimum required 15 feet would result in an unnecessary hardship.

3. The variance as hereafter granted is the minimum variances that will afford Applicant relief and represent the least departure from the governing regulations.

4. The variance will not be contrary to the public interest.

### **DECISION**

**WHEREFORE**, this 12<sup>th</sup> day of December, 2011, the Cheltenham Township Zoning Hearing Board, by a 3-0 vote, grants to Applicant a variance from the rules and regulations of Article XXIX, Section 295-220(C), to allow the installation of a utility shed, measuring 8 feet by 12 feet, in the rear yard within a lesser rear yard setback of 3 feet.

This grant of relief is subject, however, to the following conditions:

- (1) a complete copy of the recorded deed of the subject Property shall be submitted to the Zoning Officer within four (4) weeks of the date of Hearing.

- (2) the proposed improvements shall be constructed in substantial conformity with the plans submitted to the Zoning Hearing Board and the presentation made to the Zoning Hearing Board at its December 12, 2011 meeting.

This grant of relief is not a waiver of any provision of the Cheltenham Zoning Ordinances not specifically addressed in this decision.

**CHELTENHAM TOWNSHIP ZONING HEARING BOARD**

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**PETER LABIAK, Chairman**

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**ALAN S. GOLD, Vice Chairman and Secretary**

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**AMEE FARRELL, Member**

**THIS DECISION IS OFFICIALLY ISSUED ON JANUARY 23, 2012.**

**ZONING HEARING BOARD  
OF CHELTENHAM TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**APPEAL NO. 3424**

Applicant: Brian Brillman  
7501 Woodlawn Avenue  
Elkins Park, Pennsylvania 19027

Subject Premises : 7501 Woodlawn Avenue  
Elkins Park, Pennsylvania

Owner of Premises: Brian Brillman

Nature of Application: Applicant appeals from the determination of the Zoning Officer finding that the installation of a solid fence, measuring approximately 123 feet in length and 6 feet in height, within the Stratford Avenue frontage where a 4 foot high 50% open fencing is permitted would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article XXIX, Section 295-223, regulating fences and walls.

Applicant seeks a variance from Section 295-223 of the rules and regulations of the R-4 Residence District to allow the installation of a solid fence, measuring approximately 123 feet in length and 6 feet in height, within the Stratford Avenue frontage of the Property, where only a 4 foot high 50% open fencing is permitted.

Time and Place of Hearing: Monday, December 12, 2011 – 8:50 p.m.  
Curtis Hall  
Church Road and Greenwood Avenue  
Wyncote, Pennsylvania

## FINDINGS OF FACT

1. Applicant Brian Brillman (“Applicant”) is the owner of the premises known as 7501 Woodlawn Avenue, Elkins Park, Pennsylvania (the “Property”).

2. Prior to the holding of the hearing in this matter, an advertisement, noting the time and place of the hearing and the contents of the appeal, was placed in a newspaper of general circulation.

3. The property is located in an R-4 Residence District and is improved by a single-family residence.

4. The following documents were made a part of the record:

ZHB-1. a listing of exhibits;

ZHB-2. a copy of the legal notice with regard to the holding of hearing;

ZHB-3. an Application to the Zoning Hearing Board, referenced as Appeal No. 3424;

ZHB-4. a location map marked as Real Estate Registry Block 94, showing the location of the property;

ZHB-5. MEA Land Record Parcel Information on Property dated November 15, 2011;

ZHB-6. Building and Zoning Committee recommendation letter dated December 8, 2011;

ZHB-7. copy of site plan;

ZHB-8. a series of photographs of the Property;

A-1. copy of the recorded deed to the Property;

A-2. signatures of Applicant’s neighbors stating that they have no objection to the Applicant’s request.

5. Applicant proposes to replace the chain link fence that surrounds the Property with a 6 foot high solid wood fence for the purpose of enclosing a swimming pool area.

6. The proposed fence, measuring approximately 123 feet in length and 6 feet in height, would be located within the Stratford Avenue frontage of the Property, a location in which only a 4 foot high 50% open fencing is permitted.

7. Applicant’s neighbors are in favor of the proposed project.

8. A grant of relief to allow the installation of a solid fence, measuring approximately 123 feet in length and 6 feet in height, within the Stratford Avenue frontage of the Property, where only a 4 foot high 50% open fencing is permitted will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

9. A grant of relief to allow the installation of a solid fence, measuring approximately 123 feet in length and 6 feet in height, within the Stratford Avenue frontage of the Property, where only a 4 foot high 50% open fencing is permitted will result in premises consistent with the character of the neighborhood and will not materially alter the character of the zoning district or of the community.

10. A grant of relief to allow the installation of a solid fence, measuring approximately 123 feet in length and 6 feet in height, within the Stratford Avenue frontage of the Property, where only a 4 foot high 50% open fencing is permitted will not be contrary to the public interest.

### **CONCLUSIONS OF LAW**

1. The installation of a solid fence, measuring approximately 123 feet in length and 6 feet in height, within the Stratford Avenue frontage of the Property, where only a 4 foot high 50% open fencing is permitted is not permitted by the Cheltenham Township Zoning Ordinance. However, in accordance with the Pennsylvania Municipalities Planning Code and the Cheltenham Zoning Ordinance, the Cheltenham Township Zoning Hearing Board is empowered to hear and decide requests for variances where it is alleged that strict conformance with the governing ordinances would result in unnecessary hardship.

2. Under the circumstances of this matter, Applicant has met his burden in establishing that, due to the unique physical circumstances of the Property and those imposed by surrounding properties, a failure to grant relief to allow installation of a solid fence, measuring approximately 123 feet in length and 6 feet in height, within the Stratford Avenue frontage of the Property, where only a 4 foot high 50% open fencing is permitted would result in an unnecessary hardship.

3. The variance as hereafter granted is the minimum variances that will afford Applicant relief and represent the least departure from the governing regulations.

4. The variance will not be contrary to the public interest.

### **DECISION**

**WHEREFORE**, this 12<sup>th</sup> day of December, 2011, the Cheltenham Township Zoning Hearing Board, by a 3-0 vote, grants to Applicant a variance from the rules and regulations of Article XXIX, Section 295-223, to allow installation of a solid fence, measuring approximately 123 feet in length and 6 feet in height, within the Stratford Avenue frontage of the Property.

This grant of relief is subject, however, to the following conditions:

(1) the fence shall be constructed within the tree line of the Property; and

- (2) the proposed improvements shall be constructed in substantial conformity with the plans submitted to the Zoning Hearing Board and the presentation made to the Zoning Hearing Board at its December 12, 2011 meeting.

This grant of relief is not a waiver of any provision of the Cheltenham Zoning Ordinances not specifically addressed in this decision.

**CHELTENHAM TOWNSHIP ZONING HEARING BOARD**

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**PETER LABIAK, Chairman**

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**ALAN S. GOLD, Vice Chairman and Secretary**

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**AMEE FARRELL, Member**

**THIS DECISION IS OFFICIALLY ISSUED ON JANUARY 23, 2012.**

**ZONING HEARING BOARD  
OF CHELTENHAM TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**APPEAL NO. 3425**

Applicants: Steven and Chagit Nusbaum  
120 Kingston Road  
Cheltenham, Pennsylvania 19012

Subject Premises : 139 E. Glenside Avenue  
Glenside, Pennsylvania

Owner of Premises: Steven and Chagit Nusbaum

Nature of Application: Applicants appeal from the determination of the Zoning Officer finding that the conversion of the existing first floor commercial space into a first floor apartment instead of one of the enumerated permitted uses (there is one legal nonconforming apartment above the commercial space) would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article XIX, Section 295-135, regulating uses.

Applicants seek a variance from Section 295-135, of the rules and regulations of the G-6 Manufacturing and Industrial Districts to allow the conversion of the existing first floor commercial space into a first floor apartment instead of one of the enumerated permitted uses (there is one legal nonconforming apartment above the commercial space).

Time and Place of Hearing: Monday, December 12, 2011 – 8:55 p.m.  
Curtis Hall  
Church Road and Greenwood Avenue  
Wyncote, Pennsylvania

**FINDINGS OF FACT**

1. Applicants Steven and Chagit Nusbaum (“Applicants”) are the owners of the premises known as 139 E. Glenside Avenue, Glenside, Pennsylvania (the “Property”).

2. Prior to the holding of the hearing in this matter, an advertisement, noting the time and place of the hearing and the contents of the appeal, was placed in a newspaper of general circulation.

3. The property is located in the G-6 Manufacturing and Industrial Districts and is improved by a storefront and rental residence.

4. The following documents were made a part of the record:

ZHB-1. a listing of exhibits;

ZHB-2. a copy of the legal notice with regard to the holding of hearing;

ZHB-3. an Application to the Zoning Hearing Board, referenced as Appeal No. 3425;

ZHB-4. a location map marked as Real Estate Registry Block 129, showing the location of the property;

ZHB-5. MEA Land Record Parcel Information on Property dated November 15, 2011;

ZHB-6. Building and Zoning Committee recommendation letter dated December 8, 2011;

ZHB-7. an excerpt, Apartments and Multiple Dwellings in Cheltenham Township from 1958;

ZHB-8. parking analysis worksheet dated November 17, 2011;

A-1. copy of the recorded deed to the Property;

A-2. letter in support of Applicants' request for zoning relief from Solar Light dated December 5, 2011;

A-3. letter in support of Applicant's request for zoning relief from Frank McShane, owner of the adjoining property, dated September 21, 2011; and

A-4. letter in support of Applicant's request for zoning relief from Collision Care Center, dated December 2, 2011.

5. Applicants propose to convert of the existing first floor commercial space into a first floor apartment. The second floor of the existing building on the Property already contains one legal nonconforming apartment.

6. There is a storage/garage area, separate from the building on the Property, which is used for storage.

7. Applicants have been unable to find a viable tenant for the first floor commercial storefront and believe that the proposed conversion of the first floor to a residential apartment will render the space rentable.

8. The Property contains parking in the rear of the building to accommodate ten vehicles.

9. Applicants propose to convert the first floor into a two bedroom/one bathroom residential apartment. The second floor apartment contains three bedrooms.

10. Applicants' neighbors are in favor of the proposed project.

11. A grant of relief to allow the conversion of the existing first floor commercial space into a first floor apartment instead of one of the enumerated permitted uses (there is one legal nonconforming apartment above the commercial space) will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

12. A grant of relief to allow the conversion of the existing first floor commercial space into a first floor apartment instead of one of the enumerated permitted uses (there is one legal nonconforming apartment above the commercial space) will result in premises consistent with the character of the neighborhood and will not materially alter the character of the zoning district or of the community.

13. A grant of relief to allow the conversion of the existing first floor commercial space into a first floor apartment instead of one of the enumerated permitted uses (there is one legal nonconforming apartment above the commercial space) will not be contrary to the public interest.

### **CONCLUSIONS OF LAW**

1. Conversion of the existing first floor commercial space into a first floor apartment instead of one of the enumerated permitted uses is not permitted by the Cheltenham Township Zoning Ordinance. However, in accordance with the Pennsylvania Municipalities Planning Code and the Cheltenham Zoning Ordinance, the Cheltenham Township Zoning Hearing Board is empowered to hear and decide requests for variances where it is alleged that strict conformance with the governing ordinances would result in unnecessary hardship.

2. Under the circumstances of this matter, Applicants have met their burden in establishing that, due to the unique physical circumstances of the Property and those imposed by surrounding properties, a failure to grant relief to allow the conversion of the existing first floor commercial space into a first floor apartment instead of one of the enumerated permitted uses would result in an unnecessary hardship.

3. The variance as hereafter granted is the minimum variance that will afford Applicants relief and represent the least departure from the governing regulations.

4. The variance will not be contrary to the public interest.

**DECISION**

**WHEREFORE**, this 12<sup>th</sup> day of December, 2011, the Cheltenham Township Zoning Hearing Board, by a 3-0 vote, grants to Applicants a variance from the rules and regulations of Article XIX, Section 295-135 to allow the conversion of the existing first floor commercial space into a first floor apartment (there being a legal nonconforming apartment above the commercial space).

This grant of relief is subject, however, to the following conditions:

- (1) the 2160 square feet of space at the rear of the property shall be used solely for storage by the property owner and not as additional apartment space;
- (2) the conditions of building and zoning committee letter dated December 8, 2011, shall be met, to wit: all windows on the first floor shall be replaced and all paintable portions on the front façade shall be painted; and
- (3) the proposed improvements shall be constructed in substantial conformity with the plans submitted to the Zoning Hearing Board and the presentation made to the Zoning Hearing Board at its December 12, 2011 meeting.

This grant of relief is not a waiver of any provision of the Cheltenham Zoning Ordinances not specifically addressed in this decision.

**CHELTENHAM TOWNSHIP ZONING HEARING BOARD**

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**PETER LABIAK, Chairman**

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**ALAN S. GOLD, Vice Chairman and Secretary**

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**AMEE FARRELL, Member**

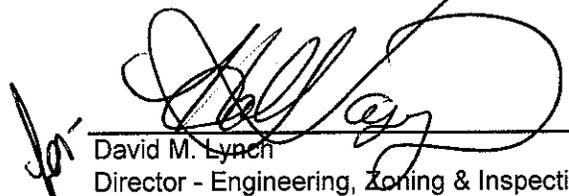
**THIS DECISION IS OFFICIALLY ISSUED ON JANUARY 23, 2012.**

November 30, 2011

COMMISSIONERS OF CHELTENHAM TOWNSHIP  
ELKINS PARK, PA 19027

**COMMISSIONERS OF CHELTENHAM TOWNSHIP  
REPORT OF THE BUILDING INSPECTOR FOR JANUARY, 2012**

	# PERMITS	TOT. FEES	\$ VALUE
<b>RESIDENTIAL</b>			
RENOVATIONS / ALTERATIONS	36	5,067	254,850
<b>MULTI-FAMILY</b>			
RENOVATIONS / ALTERATIONS	0	0	0
<b>COMMERCIAL</b>			
RENOVATIONS / ALTERATIONS	1	1,345	67,250
<b>INSTITUTIONAL</b>			
RENOVATIONS / ALTERATIONS	1	8,670	433,500
<b>FENCE</b>	0	0	0
<b>JANUARY, 2012</b>	38	15,082	755,600
<b>JANUARY, 2011</b>	28	5,863	253,191
<b>YEAR-TO-DATE 2012</b>	38	15,082	755,600
<b>TOTAL 2011</b>	428	114,275.9	4,267,138.9
<b>HEATING &amp; AIR CONDITIONING</b>			
<b>JANUARY, 2012</b>	3	3,565	178,250
<b>JANUARY, 2011</b>	2	198	7,200
<b>YEAR-TO-DATE 2012</b>	3	3,565	178,250
<b>TOTAL 2011</b>	63	12,591	459,400
<b>ELECTRICAL</b>			
<b>JANUARY, 2012</b>	9	9,749	487,450
<b>JANUARY, 2011</b>	8	532	16,900
<b>YEAR-TO-DATE 2012</b>	9	9,749	487,450
<b>TOTAL 2011</b>	108	11,975	427,442

  
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David M. Lynch  
Director - Engineering, Zoning & Inspections